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<b>State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION</b>		
<p>Counsel for the State Bar</p> <p><b>Scott D. Karpf</b> Deputy Trial Counsel 845 S. Figueroa Ave. Los Angeles, CA 90017 (213) 765-1161</p> <p>Bar # <b>274682</b></p>	<p>Case Number(s): 17-O-07232; 18-O-11637</p> <p><b>SBC-19-O-30107</b></p> <p>kwiktag® 241 071 990</p> 	<p>For Court use only</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b> <b>APR - 2 2019</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p><b>Cris Armenta</b> Armenta Law Firm 11440 W Bernardo Ct, Ste 300 San Diego, CA 92127 (310) 826-2826</p> <p>Bar # <b>177403</b></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>VICTOR STEVEN KORECHOFF</b></p> <p>Bar # <b>146826</b></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 11, 1990**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **18** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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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. **SELECT ONE** of the costs must be paid with Respondent's membership fees for each of the following years:  
  
If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
  - Costs are entirely waived.

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

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

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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 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 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.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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

**Additional mitigating circumstances:**

**No Prior Record of Discipline, see page 15.**

**Prefiling Stipulation, see page 15.**

**D. Recommended Discipline:**

- (1)  **Actual Suspension:**

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

- Respondent must be suspended from the practice of law for the first **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:**

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.

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

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

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

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

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

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

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

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

- Respondent must be suspended from the practice of law for a minimum for the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
  - a. Respondent makes restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_ (or reimburses the Client Security Fund to the extent of any payment from the

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Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,

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

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

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

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

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

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

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

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

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

**E. Additional Conditions of Probation:**

- (1)  **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's



compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

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

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

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



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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. (*Atheam 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:



8. On September 20, 2017, Looney filed three motions to compel discovery responses from, and ask for sanctions against, Ms. Shinas, with a hearing date on October 27, 2017. Responses to the motions to compel were due by October 16, 2017. Respondent received the motions to compel but failed to respond to them. Respondent neither told Ms. Shinas that the motions had been filed nor that he would not oppose or respond to them.

9. On October 27, 2017, the motions to compel hearing was held. Despite receiving notice of the hearing, respondent failed to appear at the hearing. Ms. Shinas did not appear at the hearing. The court did not award sanctions but did order Ms. Shinas to provide substantive discovery responses, without objection, within 15 days. Respondent was served with, and received, the order. Subsequently, Meyer, on behalf of respondent, advised Ms. Shinas of the court's order but did not identify the actual due date or provide her with the discovery requests.

10. On November 1, 2017, Ms. Shinas was scheduled to speak with respondent during a conference call that included herself, a friend, Meyer, and respondent. When Ms. Shinas joined the call, she overheard respondent state, "I can't do this," and then hang up. Ms. Shinas called respondent back and left a voicemail. Respondent received the voicemail but never returned the call.

11. On November 2, 2017, Ms. Shinas sent respondent an e-mail, asking respondent to call her. Instead of respondent returning the call or responding to the e-mail, Ms. Shinas received a call from Meyer on respondent's behalf. Meyer stated that respondent had decided to withdraw from representing her and suggested that Ms. Shinas find another attorney.

12. Between November 3, 2017 and November 9, 2017, Ms. Shinas sent multiple e-mails to respondent and requested that respondent provide her with a copy of her case file as well as advise her of what to do next on her case. Respondent received each of the e-mails but failed to respond to these e-mails and failed to provide Ms. Shinas with her case file. On one occasion, Meyer sent a response on respondent's behalf that contained a link to a substitution of attorney form. Meyer advised Ms. Shinas that respondent would only release her file upon completion of the substitution of attorney form. Ms. Shinas did not complete the substitution of attorney form.

13. On November 13, 2017, Ms. Shinas sent respondent an e-mail again requesting a copy of her file. Respondent received the e-mail but failed to respond or provide Ms. Shinas with a copy of her file.

14. On November 22, 2017, after respondent failed to produce discovery responses and documents in response to the court's October 27, 2017 order, Looney filed a motion for terminating sanctions, to be heard on January 8, 2018. Respondent was served with, and received, the motion.

15. At no time prior to Looney filing the motion for terminating sanctions did Ms. Shinas sign a substitution of attorney form, and respondent did not file a motion to be relieved as counsel.

16. Respondent failed to file a responsive pleading to the motion for terminating sanctions by the due date.

17. Respondent and Ms. Shinas attended the January 8, 2018 hearing on the motion for terminating sanctions. At the hearing, the court did not grant the motion for terminating sanctions but ordered Ms. Shinas to serve discovery responses, without objections, on Defendant Aynechi on or before January 12, 2018. After conferring with Ms. Shinas, respondent served the responses on Mr. Aynechi on or about January 11, 2018.

18. On May 21, 2018, Looney filed a motion for summary judgment with a hearing date of August 9, 2018. Respondent was served with, and received, the motion. An opposition to the motion was due by July 26, 2018, but respondent failed to file an opposition.

19. On July 23, 2018, respondent filed a motion to be relieved from his representation of Ms. Shinas.

20. On August 9, 2018, respondent did not appear at the hearing on the motion for summary judgment. Ms. Shinas did appear. Because respondent did not file an opposition to the summary judgment motion, and so not to prejudice Ms. Shinas, the court continued the hearing on the motion for summary judgment to November 9, 2018.

21. On August 24, 2018, respondent's motion to be relieved as counsel for Ms. Shinas came on for hearing. The court granted respondent's motion.

22. Ms. Shinas was unable to find an attorney to represent her prior to the November 9, 2018 hearing on the motion for summary judgment. Ms. Shinas did not file an opposition to Looney's motion for summary judgment.

23. On November 9, 2018, the court granted Looney's motion for summary judgment, and subsequently, dismissed Ms. Shinas' case.

#### CONCLUSIONS OF LAW:

24. By failing to respond to the opposing party's discovery requests; failing to file an opposition to the opposing party's three motions to compel discovery responses and impose sanctions; failing to appear at the October 27, 2017 hearing on the motions to compel discovery responses and impose sanctions; failing to produce court ordered discovery responses to the opposing party with 15 days after the court's October 27, 2017 order; failing to file an opposition to the opposing party's motion for terminating sanctions; failing to an oppose the motion for summary judgment; and failing to appear at the August 9, 2018 hearing on the motion for summary judgment, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Former Rules of Professional Conduct, rule 3-110(A).

25. By failing to inform Ms. Shinas that respondent had received discovery requests on two separate occasions that required responses by certain dates; that even after the discovery due dates had been extended that respondent would not be responding to the discovery requests; that Looney filed multiple motions to compel discovery responses and motions for sanctions and that respondent failed to respond to or oppose these motions; that Looney filed a motion for terminating sanctions and respondent failed to respond to or oppose this motion; and that respondent would not be opposing or responding to the motion for summary judgment, respondent failed to keep Ms. Shinas, reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

26. By failing to promptly provide Ms. Shinas with her client file after multiple requests in November 2017, respondent willfully violated Former Rules of Professional Conduct, rule 3-500.



Case No. 18-O-11637 (Complainant: Ty Ly)

FACTS:

27. On August 24, 2013, Ty Ly hired respondent to represent him in a personal injury matter against a bus company.

28. Between August 29, 2013 and September 29, 2013, Mr. Ly visited a chiropractor whom respondent recommended.

29. Between August 24, 2013 and January 2018, Mr. Ly placed monthly phone calls to respondent's office, inquiring about the status of his case. Respondent received messages for each of Mr. Ly's calls but failed to call Mr. Ly back.

30. On August 21, 2015, respondent filed a civil lawsuit, on Mr. Ly's behalf, in the Los Angeles County Superior Court, entitled *Ty Ly vs. Da Zhen Bus Company*, case no. 15K10451. Respondent failed to advise Mr. Ly that he had filed a civil lawsuit on his behalf.

31. After filing the lawsuit, respondent did no other work on Mr. Ly's case. Respondent failed to serve the opposing party with a copy of the lawsuit and did nothing else to prosecute the case.

32. On August 25, 2015, the court set a non-jury trial date for February 21, 2017, and served notice on respondent. Respondent received the trial notice but failed to notify Mr. Ly about the trial date.

33. In June 2016 Mr. Ly visited respondent's office in an effort to obtain information about his case. Respondent was not present in the office at the time of Mr. Ly's visit. Respondent's staff provided Mr. Ly with copies of the summons and the complaint filed on Mr. Ly's behalf, but otherwise, provided no substantive information about the status of Mr. Ly's case. Respondent was subsequently aware that Mr. Ly visited the office but failed to contact Mr. Ly.

34. On February 21, 2017, Mr. Ly's case came on for trial. Respondent failed to appear for the trial, and the court dismissed Mr. Ly's case without prejudice. On the same date, the court served respondent by mail with a copy of the order dismissing Mr. Ly's case. Respondent received the dismissal order but failed to inform Mr. Ly that his case had been dismissed.

CONCLUSIONS OF LAW:

35. By failing to serve the opposing party with the summons and complaint of Los Angeles County Superior Court case no. 15K10451, entitled *Ty Ly vs. Da Zhen Bus Company*; and failing to prosecute or progress his client's case in any way after the initial filing, resulting in dismissal of the action, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Former Rules of Professional Conduct, rule 3-110(A).

36. By failing to respond promptly to monthly update calls by Mr. Ly between August 2013 and January 2018, respondent failed to respond to reasonable status inquiries received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

37. By failing to inform Mr. Ly that he had filed a civil lawsuit on behalf of Mr. Ly, Los Angeles County Superior Court case no. 15K10451, entitled *Ty Ly vs. Da Zhen Bus Company*; that the court set a non-jury trial date of February 21, 2017; and that respondent failed to appear for trial resulting in the court dismissing Mr. Ly's case, respondent failed to keep Mr. Ly, reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

38. By failing to take any action on the Mr. Ly's behalf after filing the summons and complaint in Los Angeles County Superior Court case no. 15K10451, entitled *Ty Ly vs. Da Zhen Bus Company*, on August 21, 2015, respondent failed, upon constructive termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Mr. Ly, in willful violation of the Former Rules of Professional Conduct, rule 3-700(A)(2).

#### **AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent's conduct is aggravated by multiple acts of misconduct. Respondent committed seven acts of misconduct in two client matters including, failing to perform with competence, failing to inform clients of significant developments, failing to release a client's file, failing to respond to a client's inquiries, and improperly withdrawing from employment. Multiple acts of misconduct is an aggravating factor.

**Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)):** Respondent's actions caused significant harm to his clients and the administration of justice. The most serious consequence of respondent's misconduct is that Mr. Ly's case was dismissed entirely, thereby depriving Mr. Ly any opportunity for relief, justice, and damages. Additionally, the court wasted time and resources due to the non-prosecution of Mr. Ly's case. Furthermore, the court wasted time and resources when respondent failed to prosecute Mr. Ly's case, and when respondent failed to respond to multiple motions, including a motion for summary judgement, in Ms. Shinas' matter.

#### **MITIGATING CIRCUMSTANCES.**

**No Prior Record of Discipline:** Respondent has 23 years of discipline free practice prior to the misconduct herein and is entitled to mitigation even though his conduct is serious. (*Friedman v. State Bar* (1990) 50 Cal.3d 235, 245 [20 years is "highly significant" mitigation].)

**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. (*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 Spaiht* (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) further provides that, “If a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.” Here, respondent has committed seven separate acts of misconduct. Standard 2.7(b) is the most severe sanction that applies to respondent’s violations, and states: “Actual suspension is the presumed sanction for performance, communication, or withdrawal violations in multiple client matters, not demonstrating habitual disregard of client interests.”

Respondent is entitled to significant weight in mitigation for 23 years of practice without discipline being imposed. However, respondent’s misconduct in two client matters is serious and is aggravated by multiple acts of misconduct and significant harm. A period of actual suspension is the presumed sanction and is appropriate in order to fulfill the purposes of attorney discipline.

Case law is instructive here as to the proper 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 the attorney in *Bach*, respondent failed to perform competently, failed to communicate with his clients, failed to cooperate with the State Bar’s investigation, into his misconduct, and failed to refund unearned fees. However, respondent committed misconduct in two client matters, whereas the attorney in *Bach* only committed misconduct in a single client matter. Therefore, respondent’s misconduct is more aggravated than the attorney’s in *Bach*, and a greater level of discipline is warranted.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of February 15, 2019, the discipline costs in this matter are \$4,353. 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 the State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)





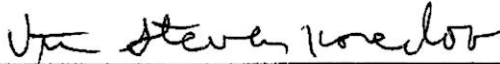

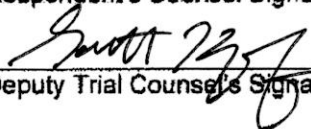
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In the Matter of:  
VICTOR STEVEN KORECHOFF

Case Number(s):  
17-O-07232;  
18-O-11637

### 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>3-7-19</u> Date	<u></u> Respondent's Signature	<u>Victor Steven Korechoff</u> Print Name
<u>3-7-2019</u> Date	<u></u> Respondent's Counsel Signature	<u>Cris Armenta</u> Print Name
<u>3/11/19</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Scott D. Karpf</u> Print Name

(Do not write above this line.)

In the Matter of:  
VICTOR STEVEN KORECHOFF

Case Number(s):  
SBC-19-O-30107

### ACTUAL SUSPENSION ORDER

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

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

1. On page 1 of the Stipulation, at paragraph A.(3), line 3, "18" is deleted, and in its place is inserted "19".
2. On page 16 of the Stipulation, sixth full paragraph, lines 2-3, "failed to cooperate with the State Bar's investigation, into his misconduct, and failed to refund unearned fees" is deleted, as no such misconduct has been stipulated to in this matter. In its place, however, is inserted "failed to promptly provide the client with her file, and improperly withdrew from employment."

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).)**

April 2, 2019  
Date

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

**CERTIFICATE OF SERVICE**

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 2, 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:

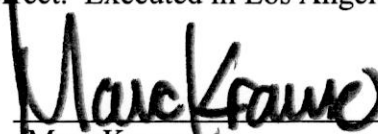
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MARIA CRISTINA ARMENTA  
ARMENTA LAW FIRM APC  
11440 W BERNARDO CT, STE 300  
SAN DIEGO, CA 92127-1644

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

SCOTT D. KARPF, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 2, 2019.



Marc Krause  
Court Specialist  
State Bar Court