



FILED
Dec 05 2025

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
AARON SPOLIN,
STATE BAR CARD NO. 24118984**

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CAUSE NO. 72210

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

The Commission for Lawyer Discipline (hereinafter called the “Commission”), brings this action against Respondent, Aaron Spolin, and would show the following:

1. This action is commenced by the Commission pursuant to Part IX of the Texas Rules of Disciplinary Procedure (the “TRDPs”). The Commission is also providing Respondent with a copy of Section 7 of this Board’s Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Aaron Spolin, 11500 W Olympic Blvd., Ste. 400, Los Angeles, California 90064-1525.

3. On or about August 26, 2024, a Notice of Disciplinary Charges (Exhibit 1) was entered in Case No. SBC-24-O-30656, styled: *In the Matter of: AARON SPOLIN, State Bar No. 310379*, before the State Bar Court Hearing Department – Los Angeles, relating to OCTC Case Nos. 22-O-14419 (Karl Holmes), 23-O-13011 (Thomas Stringer), 23-O-19035 (John Poe), and 23-O-20688 (Laura Lish).

4. On or about November 14, 2024, a Notice of Disciplinary Charges (Exhibit 2) was

entered in Case No. SBC-24-O-30844, styled: *In the Matter of: AARON SPOLIN, State Bar No. 310379*, before the State Bar Court Hearing Department – Los Angeles, relating to OCTC Case Nos. 23-O-15672 (Joel Robinson), 23-O-16130 (Wesner Charles Jr.), 23-O-23496 (Bernardo Martinez), and 24-O-14431 (Demetrius Johnson).

5. Both notices centered on allegations that Respondent repeatedly failed to notify his criminal defendant clients that their case did not meet the “priority criteria” to be considered by the Los Angeles District Attorney (LADA) for resentencing under California Assembly Bill 2942 (“AB2942”). AB2942 was passed in 2018, and effectively amended section 1170(d)(1) of the California Penal Code to allow the court to recall and resentence a defendant upon the recommendation of the district attorney of the county in which the defendant was sentenced. More specifically, the notices alleged that Respondent received multiple notices from the LADA’s office advising him to consult the LADA’s website to determine the types of cases and convictions that were being prioritized for review. The letters also advised respondent that: (1) “there was no need to take any action to be considered for resentencing, other than to check the website for updates,” (2) the LADA “cannot accept calls, emails, letters, or other submissions regarding individual cases”; and (3) “a lawyer cannot initiate or accelerate the review process for an individual case.” See Exhibits 1 and 2 at page 3.

6. On or about June 17, 2025, a combined Stipulation Re Facts, Conclusions of Law, and Disposition, and Order Approving Stipulation and Order of Involuntary Inactive Enrollment (Exhibit 3) was filed in Case Nos. SBC-24-O-30656-DGS; SBC-24-O-30844-DGS, styled: *In the Matter of AARON SPOLIN, State Bar #310379*; in the State Bar Court of California, Hearing Department, Los Angeles, which states in pertinent part as follows:

C. Factual Stipulations:

The Holmes Matter (OCTC Case No. 22-O-14419)

1. California Assembly Bill 2942 (“AB2942”) was passed into law in 2018 and effectively amended section 1170(d)(1) of the California Penal Code to allow the court to recall and resentence a defendant upon the recommendation of the district attorney of the county in which the defendant was sentenced. Prior to passage of AB2942, section 1170(d)(1) authorized the court to recall a sentence and impose a lesser sentence only upon the recommendation of the Secretary of the Department of Corrections and Rehabilitation, the Board of Parole Hearings in the case of state prison inmates, or the county correctional administrator in the case of county jail inmates.

2. On December 7, 2020, the Los Angeles District Attorney’s Office issued Special Directive 20-14, its Resentencing Policy. The Special Directive established that the office and its Deputy District Attorneys would reevaluate and consider resentencing for defendants who have already served 15 years in prison, stating “this Office commits to a comprehensive review of cases where the defendant received a sentence that was inconsistent with the charging and sentencing policies in force after Tuesday, December 8, 2020, at 12:01 AM... While priority shall be given to the cases enumerated below, the ultimate goal shall be to review and remediate every sentence that does not comport with the new Sentencing, Enhancement and Juvenile Policies. Specifically, this office commits to an expedited review of the following categories of cases which are themselves a subset of a universe of 20,000-30,000 cases with out-of-policy sentences: [including] People who have already served 15 years or more...”

3. After the amendment of section 1170(d)(1) of the California Penal Code by AB2942 and the issuance of Special Directive 20-14, Respondent charged clients for case reviews regarding post-conviction relief, and, after such reviews, recommended to clients the submission to prosecutors of letters and other documents requesting resentencing pursuant to amended section 1170(d)(1) and charged clients for the preparation and submission of such letters and other documents. In particular, between March 2021 and November 2022, Respondent charged and collected legal fees from clients for the preparation and submission of requests for resentencing relief under AB2942 made to the Los Angeles District Attorney’s Office (“LADA”) and Orange County District Attorney’s Office (“OCDA”).

4. Between February and April of 2021, Respondent received no fewer than nine letters from the LADA in which the LADA advised that it was in the process of establishing its own “new unit” to evaluate cases for resentencing. The letters advised that the LADA was prioritizing cases for review under the law. The letters further advised Respondent to consult the LADA website, which provided information, including answers to frequently asked questions (“FAQs”), regarding the types of cases and convictions that were being prioritized for review. The letters

stated, “there was no need to take any action to be considered for resentencing, other than to check the website for updates.”

5. As of no later than February 2021, the LADA website identified the “priority criteria” the LADA used to consider a case for resentencing under AB2942. The website stated that adults whose cases fit all of the following criteria would be prioritized for review: (1) Age 50 and older; (2) sentenced to 20 years or more; (3) served a minimum of ten years in custody; (4) serving a sentence for a non-serious or non-violent felony [serious and violent felonies are defined in Penal Code section 1192.7(c) and Penal Code section 667.5(c)]; (5) has not suffered a prior conviction for a “super strike,” as defined in Penal Code section 667(e)(2)(c)(IV); and (6) is not a sex offender registrant. The LADA website specifically indicated in its FAQs section that the LADA “cannot accept calls, emails, letters, or other submissions regarding individual cases” and that “a lawyer cannot initiate or accelerate the review process for an individual case.”

6. The at least nine LADA letters Respondent received from the LADA placed him on actual notice that applications for relief pursuant to AB2942 presented to the LADA on behalf of criminal defendants were unnecessary and would not meaningfully affect the criminal defendant’s sentence.

7. On July 25, 2022, the Los Angeles District Attorney’s Office issued Special Directive 22-05 which stated: “The Resentencing Unit (“RU”) will evaluate cases of incarcerated individuals whose sentences are inconsistent with current law and who have served more than ten years in custody. Due to the large number of cases that meet these criteria, the RU has developed guidelines outlining the types of cases they will prioritize for review. (See <https://da.lacounty.gov/policies/resentencing>.) Exceptions may only be made with the concurrence of the Director of Prosecutions Support Operations.” The Special Directive also stated: “If a case comes to a deputy’s attention which warrants resentencing in the interest of justice but is not being prioritized or being handled by the RU, the deputy may initiate a resentencing request on their own motion with the concurrence of their Head Deputy.”

8. Between August 2022 and December 2022, Respondent received 26 letters from Los Angeles district attorneys requesting information on criminal defendants for whom Respondent submitted a request for resentencing. Respondent received two additional similar communications, one in July 2023 and one in September 2023. The letters and communications were sent by five different Deputy District Attorneys and did not involve Respondent’s clients discussed below. As discussed below, Respondent engaged in misconduct prior to August 2022.

9. On January 1, 1997, Karl Holmes (“Holmes”), defendant in the criminal matter People of the State of California v. Karl Holmes et. al., Case No. BA092268, Los Angeles County Superior Court, was sentenced to death for convictions of three counts of murder with special circumstances, one count of

attempted murder, and one count of conspiracy to commit murder, with an enhancement for personal use of a firearm during the commission of the crimes.

10. On February 19, 2022, Holmes's fiancé, Ernestine Holley ("Holley"), hired Respondent, on Holmes's behalf, to conduct a case review of Holmes's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Holley spoke only with Respondent's non-attorney employee Olivia Alvarado ("Alvarado"). Alvarado advised Holley of the legal fee to be paid to Respondent for the case review. Holley paid Respondent \$3,000 for the case review.

11. Holmes, who had been convicted of serious and violent felonies, did not meet the priority criteria published by the LADA on its website and used by that office to consider a case for resentencing under AB2942.

12. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Holmes and Holley, Respondent never informed either of them that Holmes did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

13. On May 9, 2022, Respondent's firm emailed Holley a copy of Holmes's case review in which Respondent recommended that Holmes pursue relief under AB2942.

14. On May 11, 2022, Respondent spoke with Holmes regarding the case review. Respondent quoted Holmes a legal fee of \$11,500 to \$14,500 for pursuing relief under AB2942. Respondent did not inform Holmes that he had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates, and that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942. Further, Respondent never informed Holmes that based on his violent and serious felony convictions, Holmes fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942.

15. In Respondent's written case review for Holmes, which was delivered to Holmes by Respondent's office on May 12, 2022, Respondent advised and "strongly recommended" that Holmes seek resentencing pursuant to AB2942. Respondent's case review for Holmes did not inform Holmes that based on Holmes's violent and serious felony convictions, Holmes fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. Further, Respondent never informed Holmes that Respondent had previously received numerous letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for

updates, and that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942.

16. Respondent failed to disclose all the facts he knew that Holmes and Holley needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Holmes.

17. Respondent's proposed representation of Holmes was unlikely to result in Holmes obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

18. Between May 12, 2022 and October 13, 2022, Alvarado and Marti Wise ("Wise"), a non-attorney employed by Respondent, communicated with Holley multiple times and encouraged Holley to employ Respondent to pursue resentencing relief under AB2942.

19. On June 30, 2022, Wise emailed Holley stating that "resentencing under AB2942 is the best option" for Holmes. Wise quoted Holley a legal fee of \$18,200 for the legal services relating to AB2942, with credit given for the \$3,000 already paid for Holmes's case review.

20. In October 2022, Holley consulted the LADA website and learned that the LADA was not considering AB2942 resentencing requests from outside counsel. Based on this information, and her discussions with other attorneys, Holley concluded that Respondent's representation would not help Holmes. Holmes and Holley did not pay Respondent the additional \$15,200 he requested.

21. On October 12, 2022, Holley received a text message from Wise asking her when she was going to proceed with hiring Respondent for the AB2942 petition.

22. On October 13, 2022, Wise sent Holley an email stating, "We have probably 50 petitions [submitted to the LADA] and only a few have been denied, and one has been won. Now that George Gascon is back in office for another two years, those petitions will now slowly move through the system. Please be patient as this is a slow process. No news from the DA's office is good news because it means they are still working on it."

23. During the time that Respondent solicited and represented Holmes, Respondent never informed either Holmes or Holley that based on Holmes's violent and serious felony convictions, Holmes fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other

submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client during the time Respondent represented Holmes.

24. On October 28, 2022, Holley emailed Respondent requesting an itemized billing showing all legal services Respondent performed for Holmes, including the dates the legal services were performed. Respondent provided Holley a “block billing” accounting that was not itemized. Respondent did not provide Holley or Holmes any refund of the fees he was paid for the case review.

The Stringer Matter (OCTC Case No. 23-O-13011)

25. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

26. On February 9, 2011, Thomas Stringer (“Stringer”), defendant in the criminal matter *People of the State of California v. Thomas Stringer*, Case No. KA088197, Los Angeles County Superior Court, was sentenced to 160 years to life for convictions on seven counts of kidnapping, six counts of second-degree robbery, and one count of felon in possession of a firearm, with enhancements for personally using a firearm and gang affiliation in connection with the offenses.

27. On June 23, 2021, Stringer’s sister, Tiffany Abram (“Abram”), hired Respondent, on Stringer’s behalf, to conduct a case review of Stringer’s legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Abram spoke only with Respondent’s non-attorney employee Hemi Tann (“Tann”). Tann advised Abram that the legal fee to be paid Respondent for the case review was \$3,000. Abram paid Respondent \$3,000 for the case review.

28. Stringer, who had been convicted of serious and violent felonies, did not meet the priority criteria published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

29. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Stringer and Abram, Respondent never informed Stringer or Abram that Stringer did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

30. On August 25, 2021, Respondent spoke with Abram to discuss Stringer’s case review and Respondent’s recommendation that Stringer pursue relief under AB2942. Stringer was not included in the conversation. Respondent told Abram that Stringer was a good candidate for resentencing under AB2942 because Stringer had not been in trouble since being incarcerated. During the conversation, Respondent did not inform Abram that based upon Stringer’s violent and serious convictions, Stringer fell outside of the priority criteria applied by the

LADA in determining which, if any, cases it would consider for resentencing under AB2942. Further, Respondent never informed Stringer or Abram that he had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates, and that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942.

31. In Respondent's written case review for Stringer, which was delivered to Stringer by Respondent's office on August 26, 2021, Respondent advised and recommended that Stringer seek resentencing pursuant to AB2942. Respondent's August 26, 2021 case review for Stringer did not inform Stringer that based on Stringer's violent and serious felony convictions, Stringer fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. Further, Respondent never informed Stringer that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates, and that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942. When discussing whether Stringer should pursue relief under AB2942, the case review stated simply that pursuing this relief was "strongly recommended."

32. On September 15, 2021, Stringer wrote to Respondent to inform Respondent that he, Stringer, had been found in violation of prison cell phone rules and asked whether the violations would impact his opportunity to obtain resentencing relief. Respondent never responded to Stringer's letter.

33. On September 16, 2021, Abram called Respondent regarding Stringer's cell phone violations and spoke with Respondent's non-attorney employee Tann. Tann told Abram "Not to worry about it since it's not violent like stabbing a guard."

34. Respondent never communicated directly with Abram or Stringer regarding Stringer's concerns about the cell phone violations, which Abram and Stringer were concerned may have negatively impacted Stringer's ability to obtain resentencing relief.

35. Respondent failed to disclose all the facts he knew that Stringer and Abram needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Stringer.

36. On October 26, 2021, Abram hired Respondent to represent Stringer in submitting to the LADA a request for resentencing under AB2942. Respondent charged Abram \$14,700 for the legal service, including a credit of \$3,000 for the legal fee Abram had paid for Stringer's case review. Abram paid Respondent the additional \$11,700 between October 26, 2021 and January 20, 2022.

37. Respondent's proposed representation of Stringer was unlikely to result in Stringer obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

38. On June 28, 2022, Respondent submitted to the LADA a request for resentencing pursuant to AB2942 on behalf of Stringer.

39. On January 18, 2023, Abram consulted the LADA website and learned that based on Stringer's violent and serious felony convictions, Stringer fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942.

40. On February 3, 2023, an administrative assistant in Respondent's office sent a letter to Stringer which incorrectly stated: "We have been in contact with the District Attorney's Office, and they stated that they would like more information about you and your case. Specifically, they would like to obtain and review your CDCR [California Department of Corrections and Rehabilitation] Central File." However, the letter was incorrectly sent to Stringer because the District Attorney's office had not requested additional information about Stringer's case. Neither Respondent, nor anyone with his law firm, advised Stringer or Abram that the aforementioned statements in the February 3, 2023 letter were incorrect and that the District Attorney's office had not contacted Respondent about Stringer's case.

41. On February 14, 2023, Stringer terminated Respondent.

42. During the time that Respondent solicited and represented Stringer, Respondent never informed either Stringer or Abram that based on Stringer's violent and serious felony convictions, Stringer fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended that Stringer pursue such relief and collected legal fees from Stringer for same.

43. On February 23, 2023, Stringer submitted a State Bar complaint against Respondent.

44. On May 24, 2023, Respondent issued a refund to Stringer and Abram in the amount of \$11,700.

45. Stringer was not successful in obtaining resentencing under AB2942.

The Poe Matter (OCTC Case No. 23-O-19035)

46. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

47. On April 28, 2004, John Poe (“Poe”), defendant in the criminal matter *People of the State of California v. John Poe*, Case No. YA052931, Los Angeles County Superior Court, was sentenced to 64 years to life for convictions of murder, attempted murder, and assault with a firearm, with enhancements for personally using a firearm in commission of the offenses.

48. On February 17, 2021, Poe’s sister, Shawnty Wynne (“Wynne”) hired Respondent, on Poe’s behalf, to conduct a case review of Poe’s legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Wynne spoke only with Respondent’s non-attorney employee Hemi Tann (“Tann”). Tann advised Wynne that the legal fee to be paid to Respondent for the case review was \$3,000. Wynne paid Respondent \$3,000 for the case review.

49. Poe, who had been convicted of serious and violent felonies, did not meet the “priority criteria” published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

50. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Poe and Wynne, Respondent never informed either of them that Poe did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

51. In Respondent’s written case review for Poe, which was delivered to Poe and Wynne by Respondent’s office on April 14, 2021, Respondent advised and recommended that Poe seek resentencing pursuant to AB2942. The case review did not inform Wynne or Poe that based on Poe’s violent and serious felony convictions Poe fell outside of the “priority criteria” applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. The case review also did not inform Wynne or Poe that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates. The case review did not advise Wynne or Poe that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942. When discussing whether Poe should pursue relief under AB2942, the case review stated simply: “This relief is recommended.”

52. On April 15, 2021, Respondent spoke with Wynne to discuss the options Respondent included in Poe’s case review. Poe was not included in the telephone conversation. Respondent strongly recommended to Wynne that Poe

pursue relief under AB2942. During this conversation, Respondent did not inform Wynne that based upon Poe's violent and serious felony convictions, Poe fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. Respondent also did not inform Wynne that he had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates. Nor did Respondent inform Wynn that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942.

53. Respondent failed to disclose all the facts he knew that Poe and Wynne needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Poe.

54. On April 28, 2021, Wynne paid Respondent an additional \$23,700 to represent Poe in submitting to the LADA a request for resentencing under AB2942, in submitting to the California Governor an application for commutation, and in preparing for and conducting a Franklin hearing (to present evidence related to Poe's youth at the time of the offenses' commission in mitigation of sentence) before the Board of Parole. These services were sold as a "package," in connection with which Respondent stated that his legal fee for seeking relief for Poe solely pursuant to AB2942 would be between \$11,700 and \$14,700.

55. Respondent's proposed representation of Poe was unlikely to result in Poe obtaining meaningful relief under AB2942. The fee Respondent collected for the case review and AB2942 request was disproportionate to the value of the of the services to be performed.

56. On October 8, 2021, Respondent submitted to the LADA a request for relief under AB2942 on behalf of Poe. On December 16, 2022, the LADA sent Respondent a letter denying the request based on the violent and serious nature of Poe's convictions. The LADA letter stated: "Please keep in mind that contacting our office to provide unsolicited information regarding a particular individual or to ask for an update is not helpful and, in fact, severely detracts from our ability to review these cases in a fair, orderly and expeditious manner." The letter also included the resentencing policy of the LADA, including the priority criteria for the LADA's case review and reminded Respondent that the policy was also available on the LADA website.

57. On February 14, 2023, Respondent submitted to the LADA another AB2942 request on behalf of Poe seeking reconsideration of the earlier denial and providing additional arguments in support of resentencing. On March 10, 2023, the LADA denied Respondent's second resentencing request citing the same reasons as in the December 16, 2022 letter. The March 10, 2023, letter indicated that the LADA would contact Poe directly if he "becomes an appropriate candidate for resentencing."

58. During the time that Respondent solicited and represented Poe, Respondent never informed either Poe or Wynne that based on Poe's violent and serious felony convictions, Poe fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Poe pursue such relief and collected legal fees from Poe for same.

59. Between March 2023 and September 2024, Respondent issued four refund checks to Poe and Wynn totaling \$2,800.

60. Poe was not successful in obtaining resentencing under AB2942.

The Lish Matter (OCTC Case No. 23-O-20688)

61. Paragraphs 1 and 3 above are incorporated by reference as if fully set forth herein.

62. On March 25, 2021, the Orange County District Attorney's Office ("OCDA") determined that it would only consider requests for resentencing under AB2942 that it received from the California Department of Corrections and Rehabilitation ("CDCR"). The OCDA's policy acknowledged that while AB2942 provides the OCDA authority to request a resentencing, OCDA would rely on the CDCR to identify cases in which the OCDA would make such a request to the court.

63. Between May 21, 2021, and October 5, 2021, Respondent received no fewer than eight letters from the OCDA notifying Respondent of the above policy regarding AB2942 resentencing requests. The letters placed Respondent on actual notice that based on OCDA policy, Respondent's clients' requests to OCDA for resentencing under AB2942 would not be acted upon.

64. On October 30, 2017, Dustin Lish ("Lish"), defendant in the criminal matter People of the State of California v. Dustin Lish, Case No. 12NF0792, Orange County Superior Court, was sentenced to 15 years to life for a second-degree murder conviction arising out of a first offense for driving under the influence of alcohol.

65. On December 12, 2021, Lish's wife, Laura Lish ("Laura"), hired Respondent, on Lish's behalf, to conduct a case review of Lish's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Laura spoke only with Respondent's non-attorney

employee Hemi Tann (“Tann”). Tann advised Laura that the legal fee to be paid Respondent for the case review was \$3,000. On December 12, 2021, Lish paid Respondent \$3,000 for the case review.

66. On February 14, 2022, Respondent emailed Laura a copy of Lish’s case review which included a recommendation that Lish employ Respondent to pursue relief under AB2942. The case review did not inform Laura or Lish that the OCDA would only consider requests for resentencing under AB2942 that it received from the CDCR. The case review also did not inform Laura or Lish that Respondent had received no fewer than eight letters from the OCDA notifying him of the OCDA policy and that, based on the OCDA policy, Respondent’s client requests to the OCDA for resentencing under AB2942 would not be acted upon.

67. Respondent never informed either Lish or Laura that he knew the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR; that Respondent had been informed by the OCDA that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR; or that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942 at the time Respondent recommended that Lish pursue such relief and collected legal fees from Lish for same.

68. Respondent failed to disclose all the facts he knew that Lish and Laura needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Lish.

69. On February 18, 2022, Lish and Laura hired Respondent to pursue post-conviction relief for Lish that included drafting an Application for Resentencing under AB2942 to be submitted to the OCDA, a Supplemental/Superseding Application for Commutation of Sentence, and a petition for Franklin Hearing. Respondent charged Laura \$28,500 for all three services, with a credit for the \$3,000 previously paid for Lish’s case review. Of this amount, the cost of pursuing AB2942 relief was \$11,700 to \$14,700. On February 18, 2022, Laura and Lish paid Respondent \$25,500.

70. Respondent’s proposed representation of Lish was unlikely to result in Lish obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

71. On September 12, 2022, Respondent submitted to the OCDA a request for resentencing pursuant to AB2942 on behalf of Lish.

72. On September 28, 2022, the OCDA sent Respondent a letter stating that it would not act upon Respondent’s request for resentencing on behalf of Lish. The letter stated in part, “as you are already aware, the OCDA only considers §1172.1 resentencing requests submitted by the California Department of Corrections and Rehabilitation (CDCR)...” The letter further stated, “As we know

you are aware, a recommendation can be made under those regulations by the secretary of the CDCR to the Superior Court...”

73. On July 31, 2023, following her discovery that the OCDA would not consider requests for resentencing under AB2942 made by attorneys, Laura emailed Respondent requesting a full refund of the legal fees that she and Lish had paid Respondent.

74. On August 25, 2023, Respondent issued a refund to Lish in the amount of \$4,700.

75. Lish never obtained resentencing relief under AB2942.

The Robinson Matter (OCTC Case No. 23-O-15672)

76. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

77. On June 13, 2005, Joel Robinson (“Robinson”), defendant in the criminal matter *People of the State of California v. Joel Deandre Robinson*, Case No. BA274025, Los Angeles County Superior Court, was sentenced to 28 years, for felony convictions of shooting at an occupied vehicle, two counts of assault with a firearm, unlawful possession of a firearm, and carrying a concealed weapon, with enhancements including those related to gang activities.

78. On December 22, 2020, Robinson and his wife, Anne Gonzales (“Gonzales”) hired Respondent to conduct a case review of Robinson’s legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Robinson and Gonzales paid Respondent \$3,000 for the case review on December 22, 2020.

79. Robinson, who had been convicted of a serious felony, did not meet the “priority criteria” published by the LADA on its website no later than February 2021 and used by it to consider a case for resentencing under AB2942.

80. In Respondent’s written case review for Robinson, which was sent to Robinson on February 16, 2021, Respondent stated that he “strongly recommended” that Robinson pursue resentencing under AB2942. The case review did not inform Robinson that based on Robinson’s serious felony conviction, Robinson fell outside the “priority criteria” applied by the LADA in determining which, if any, cases that office would consider for resentencing under AB2942. The case review also did not inform Robinson that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates. Nor did the case review inform Robinson that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief.

81. Respondent failed to disclose all the facts he knew that Robinson and Gonzales needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Robinson.

82. On March 12, 2021, Robinson and Gonzales hired Respondent to represent Robinson in submitting to the LADA a request for resentencing under AB2942. Respondent charged Robinson and Gonzales \$14,800 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. Robinson and Gonzales paid Respondent the additional \$11,800 between on March 12, 2021, and in June 2021.

83. Respondent's proposed representation of Robinson was unlikely to result in Robinson obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

84. On September 24, 2021, Respondent submitted to the LADA a request for resentencing under AB2942 on Robinson's behalf. On November 14, 2022, the LADA advised Respondent, in writing, that Robinson's request for resentencing had been denied because Robinson did not meet the LADA's priority criteria for resentencing under AB2942. On February 1, 2023, Respondent submitted to the LADA an additional request for resentencing under AB2942 on Robinson's behalf providing additional arguments in support of the request for relief. Thereafter, in or about February 2023, Respondent sent an e-mail message to Robinson and Gonzales advising them that the LADA had denied Robinson's request for resentencing under AB2942.

85. During the time that Respondent solicited and represented Robinson, Respondent never informed either Robinson or Gonzales that based on Robinson's serious felony convictions, Robinson fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Robinson pursue such relief and collected legal fees from Robinson for same.

86. Robinson never obtained resentencing relief under AB2942.

The Charles Matter (OCTC Case No. 23-O-16130)

87. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

88. On February 6, 2004, Wesner Charles, Jr. (“Charles”), defendant in the criminal matter *People of the State of California v. Wesner Charles, Jr.*, Case No. BA239064, Los Angeles County Superior Court, was sentenced to 27 years, six months to life in prison for felony convictions of attempted carjacking and robbery.

89. In January 2021, Charles and his sister, Stephanie Charles (“Stephanie”), and his mother, Marie Charles (“Marie”), hired Respondent to conduct a case review of Charles’s legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Charles, Stephanie, and Maria paid Respondent \$3,000 for the case review in January 2021.

90. Charles, who had been convicted of serious and violent felonies, did not meet the “priority criteria” published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

91. In Respondent’s written case review for Charles, which was sent to Charles on March 2, 2021, Respondent stated that he “strongly recommended” that Charles pursue resentencing under AB2942. The case review did not inform Charles that based on Charles’s violent and serious felony convictions, Charles fell outside the “priority criteria” applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. The case review also did not inform Charles that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates. Nor did the case review inform Charles that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

92. Thereafter, Charles requested that Respondent meet with him. Respondent did not do so. Instead, Jeremy Cutcher (“Cutcher”), an attorney at Respondent’s law firm, spoke with Charles. Cutcher told Charles that Charles should pursue relief under AB2942 because that will “get him out” in six to eight months, while a habeas petition would take longer.

93. Respondent failed to disclose all the facts he knew that Charles, Stephanie, and Marie needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Charles.

94. On March 5, 2021, Charles, Stephanie, and Marie hired Respondent to represent Charles in submitting to the LADA a request for resentencing under AB2942 and to the California Governor an application for commutation of sentence. Respondent charged Charles and Stephanie \$19,000 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. At least \$8,000 of the additional \$16,000 fee was for the AB2942 application. Charles,

Stephanie, and Marie paid Respondent the additional \$16,000 between on March 12, 2021 and on September 15, 2021.

95. Respondent's proposed representation of Charles was unlikely to result in Charles obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

96. In October 2021, Respondent submitted to the LADA a request for resentencing under AB2942 on Charles's behalf.

97. On November 14, 2022, the LADA advised Respondent that his recommendation for resentencing had been declined, citing that Charles did not meet the minimum requirements for resentencing consideration. In January 2023, Respondent sought reconsideration of the denial, submitting to the assigned Deputy District Attorney a letter in support of same.

98. On May 3, 2023, Charles submitted a State Bar complaint against Respondent.

99. On June 30, 2023, Respondent issued a refund in the amount of \$5,000 to Stephanie related to the AB2942 application. Respondent issued an additional refund in the amount of \$3,000 to Charles on June 21, 2024.

100. During the time that Respondent solicited and represented Charles, Respondent never informed either Charles, Stephanie, or Marie that based on Charles's violent and serious felony convictions, Charles fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Charles pursue such relief and collected legal fees from Charles for same.

101. On April 11, 2024, Charles was released from incarceration pursuant to Penal Code 1172.1. Respondent's work was not a contributing factor to the release.

The Martinez Matter (OCTC Case No. 23-O-23496)

102. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

103. On June 20, 2005, Bernardo Martinez ("Martinez"), defendant in the criminal matter *People of the State of California v. Bernardo Martinez*, Case No.

BA269182, Los Angeles County Superior Court, was sentenced to 39 years and 4 months for convictions of five counts of first degree robbery, one count of second degree robbery, one count of being a felon in possession of a firearm, and one count of assault with a deadly weapon or by means of force likely to produce great bodily injury. Further, the jury found that Martinez was armed with a firearm during the commission of the robberies. Martinez was also found to have had a prior juvenile adjudication that constituted as a strike under the

Three Strikes Law (P.C. 667(b)-(i); 1170.12)

104. On April 27, 2022, Martinez and his wife, Tina Marie Martinez (“Tina”), hired Respondent, on Martinez’s behalf, to conduct a case review of Martinez’s legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Tina spoke only with Respondent’s non-attorney case manager. Tina paid Respondent \$3,000 for the case review on May 20, 2022.

105. Martinez, who had been convicted of serious and violent felonies, did not meet the “priority criteria” published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

106. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Martinez and Tina, Respondent never informed either of them that Martinez did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

107. In Respondent’s written case review for Martinez, which was sent to Martinez on July 25, 2022, Respondent stated that “a very compelling case” could be made that Martinez should be resentenced under AB2942. Respondent stated in the case review that Martinez had previously submitted an Application for Resentencing under AB2942, but nonetheless recommended that Martinez retain counsel to file a supplemental application or a new application. The case review did not inform Martinez that based on Martinez’s violent and serious felony convictions, Martinez fell outside the “priority criteria” applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. The case review also did not inform Martinez that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates. Nor did the case review inform Martinez that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

108. Respondent failed to disclose all the facts he knew that Martinez and Tina needed to know to make an informed decision whether to employ and pay Respondent to pursue AB2942 relief for Martinez.

109. On November 17, 2022, Martinez, with Tina as his representative, hired Respondent to represent Martinez in submitting to the LADA a request for resentencing under AB2942. Respondent charged Martinez \$14,500 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. Tina paid Respondent the additional \$11,500 between November 21, 2022 and February 27, 2023.

110. Respondent's proposed representation of Martinez was unlikely to result in Martinez obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

111. On July 21, 2023, before Respondent submitted an AB2942 application on behalf of Martinez, Tina sent an email to Respondent and asked that they put all work on hold and to issue a full refund after she independently discovered that Martinez did not meet the LADA priority criteria for AB2942 relief. Respondent was terminated before ever submitting an AB2942 application on behalf of Martinez. Between September 14, 2023, and January 9, 2024, Respondent's firm refunded Martinez and Tina the \$11,500 paid for the AB2942 application over the course of five payments.

112. During the time that Respondent solicited and represented Martinez, Respondent never informed either Martinez or Tina that based on Martinez's violent and serious felony convictions, Martinez fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Martinez pursue such relief and collected legal fees from Martinez for same.

The Johnson Matter (OCTC Case No. 24-O-14431)

113. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

114. On February 24, 2004, Demetrius Johnson ("Johnson"), defendant in the criminal matter *People of the State of California v. Demetrius Johnson et al.*, Case No. NA056412, Los Angeles County Superior Court, was sentenced to 41 years after Johnson was found guilty of 18 counts of armed robbery with use of a firearm in each count.

115. On December 16, 2021, Johnson and his fiancé at the time and client representative, Chimera Robinson ("Chimera"), hired Respondent to conduct a case review of Johnson's legal options regarding post-conviction relief. The case review

did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Chimera communicated only with Respondent's non-attorney employees. Johnson and Chimera paid Respondent \$3,000 for the case review on December 17, 2021.

116. Johnson, who had been convicted of serious and violent felonies, did not meet the "priority criteria" published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

117. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Johnson and Chimera, Respondent never informed either of them that Johnson did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

118. In Respondent's written case review for Johnson, which was emailed to Chimera on February 28, 2022, Respondent advised and recommended that Johnson seek resentencing pursuant to AB2942. The case review did not inform Johnson or Chimera that based on Johnson's violent and serious felony convictions, Johnson fell outside the "priority criteria" applied by the LADA in determining which, if any, cases that office would consider for resentencing under AB2942. The case review did not inform Johnson or Chimera that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates. The case review did not inform Johnson or Chimera that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

119. On February 28, 2022, Respondent spoke with Chimera regarding the case review. Respondent quoted a legal fee of \$11,700 to \$14,700 to seek a commutation and an additional \$11,700 to \$14,700 to pursue an AB2942 application.

120. Respondent failed to disclose all the facts he knew that Johnson and Chimera needed to know to make an informed decision whether to employ and pay Respondent to pursue AB2942 relief for Johnson.

121. On March 1, 2022, Johnson and Chimera hired Respondent to represent Johnson in seeking post-conviction relief in the form of an application for commutation and an application for resentencing under AB2942. Respondent charged Johnson \$21,700 for the legal services, including a credit of \$3,000 for the legal fee Johnson and Chimera had paid for Johnson's case review. Johnson and Chimera paid Respondent the additional \$18,700 on that same day. Of the \$21,700 paid by Johnson and Chimera to Respondent, \$14,700 was attributable to the case review and AB2942 representation.

122. Respondent's proposed representation of Johnson was unlikely to result in Johnson obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

123. On November 29, 2022, Respondent submitted to the LADA a request for resentencing pursuant to AB2942 on behalf of Johnson.

124. Respondent's representation of Johnson concluded in December 2023. Johnson did not obtain resentencing relief, nor was his sentence commuted.

125. During the time that Respondent solicited and represented Johnson, Respondent never informed either Johnson or Chimera that based on Johnson's violent and serious felony convictions, Johnson fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Johnson pursue such relief and collected legal fees from Johnson for same.

126. Beginning July 14, 2020, and continuing through May 9, 2023, Respondent published on his firm's website – www.spolinlaw.com – an announcement entitled "GOVERNOR PUBLICLY ANNOUNCES COMMUTATION OF SENTENCE FOR SPOLIN LAW CLIENT," and stated in the first sentence, "California Governor Gavin Newsom has announced the commutation (reduction) of sentence for a Spolin Law client who was previously serving a life sentence without the possibility of parole." Respondent, however, omitted the material fact that neither Respondent nor anyone at his law firm filed the application for commutation on behalf of the referenced "Spolin Law client," J.H., and that J.H. obtained the commutation on his own behalf by submitting the application for commutation in pro per, prior to hiring Respondent's law firm.

Additional Facts Common to All Client Matters Above

127. Even though Respondent's case reviews addressed avenues of post-conviction relief other than AB2942 and some clients employed Respondent to pursue post-conviction relief via avenues in addition to AB2942, all of the case reviews recommended that the clients employ Respondent to pursue relief under AB2942, without advising the clients of any of the reasons why that course of action was unlikely to result in any meaningful benefit to the clients. Each of the case reviews discussed herein served as a solicitation to hire Respondent for AB2942 related services rather than a candid legal evaluation of the client's case. It was Respondent's practice that the \$3,000 fee charged for a case review be treated as the initial component of the full legal fee he charged for AB2942 related services

as demonstrated by the fact that the \$3,000 fee was routinely credited as an initial payment towards the total and final legal fee for AB2942 related services. Each of the case reviews discussed herein was of little or no value to the clients. The \$3,000 fee paid for the case reviews was part and parcel of the legal fee paid to Respondent for AB2942 related services and disproportionate to the value of those services.

128. Respondent's clients were all of limited financial means.

129. Respondent promoted false hope in his clients and their families that the clients' sentences would be reduced when in fact that was highly unlikely given the LADA and OCDA policies concerning AB2942 relief at the time Respondent was employed and paid by the clients.

130. Respondent engaged in the above-described misconduct to obtain clients and attorney fees for personal gain.

D. Conclusions of Law:

The following alleged violations are dismissed in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
SBC-24-O-30656	Nine	Business and Professions Code section 6106 [Misrepresentation]
SBC-24-O-30656	Eighteen	Business and Professions Code section 6106 [Moral Turpitude]
SBC-24-O-30844	Eighteen	Business and Professions Code section 6106 [Moral Turpitude]

The Holmes Matter (OCTC Case No. 22-O-14419)

131. By failing to inform Holmes and Holley, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Holmes for the preparation of Holmes's case review and in soliciting employment and the payment of additional fees from Holmes and Holley for Respondent to pursue relief for Holmes under AB2942, that Respondent knew Holmes's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Holmes's employment of Respondent was unlikely to result in Holmes obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

132. By failing to inform Holmes or Holley during his representation of Holmes that Respondent knew Holmes's case did not fall within the "priority

criteria” the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Holmes’s employment of Respondent was unlikely to result in Holmes obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

133. By failing to inform Holmes or Holley during his representation of Holmes that Respondent knew Holmes’s case did not fall within the “priority criteria” the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Holmes’s employment of Respondent was unlikely to result in Holmes obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Holmes and Holley to encourage a false impression that Respondent would be able to achieve meaningful benefit for Holmes if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

134. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$3,000 from Holmes and Holley that lacked their informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Holmes; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Holmes and Holley; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Stringer Matter (OCTC Case No. 23-O-13011)

135. By failing to inform Stringer and Abram, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Stringer for the preparation of Stringer’s case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that Respondent knew Stringer’s case did not fall within the “priority criteria” the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any

action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; of the legal impact of Stringer's prison cell phone violations on a request for resentencing relief under AB2942; or that Stringer's employment of Respondent was unlikely to result in Stringer obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

136. By failing to inform Stringer or Abram during his representation of Stringer that Respondent knew Stringer's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; of the legal impact of Stringer's prison cell phone violations on a request for resentencing relief under AB2942; or that Stringer's employment of Respondent was unlikely to result in Stringer obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

137. By failing to inform Stringer or Abram during his representation of Stringer that Respondent knew Stringer's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Stringer's employment of Respondent was unlikely to result in Stringer obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Stringer and Abram to encourage a false impression that Respondent would be able to achieve meaningful benefit for Stringer if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

138. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,700 from Stringer and Abram that lacked Stringer and Abram's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Stringer; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Stringer and Abram; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

139. By failing to inform Stringer or Abram that the letter Respondent's office sent to Stringer on February 3, 2023 that incorrectly stated: "We have been in contact with the District Attorney's Office, and they stated that they would like more information about you and your case. Specifically, they would like to obtain and review your CDCR [California Department of Corrections and Rehabilitation] Central File," had been sent in error because the District Attorney's office had neither contacted Respondent's office about Stringer's case nor requested additional information about Stringer, Respondent failed to keep a client reasonably informed of significant developments in matters to which the attorney agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

The Poe Matter (OCTC Case No. 23-O-19035)

140. By failing to inform Poe and Wynne, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Poe for the preparation of Poe's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that Respondent knew Poe's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Poe's employment of Respondent was unlikely to result in Poe obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

141. By failing to inform Poe or Wynne during his representation of Poe that Respondent knew Poe's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Poe's employment of Respondent was unlikely to result in Poe obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

142. By failing to inform Poe or Wynne during his representation of Poe that Respondent knew Poe's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Poe's employment of Respondent was unlikely to result in Poe obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Poe and Wynne to encourage a false impression that Respondent would be able to achieve meaningful benefit for Poe if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

143. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,700 from Poe and Wynne that lacked Poe and Wynne's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Poe; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Poe and Wynne; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Lish Matter (OCTC Case No. 23-O-20688)

144. By failing to inform Lish and Laura, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Lish for the preparation of Lish's case review and the preparation and submission to the OCDA of a request for resentencing relief under AB2942, that Respondent knew the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR; that Respondent had been informed by the OCDA that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and that Lish's employment of Respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make

informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b)

145. By failing to inform Lish or Laura, during his representation of Lish that Respondent knew the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR; that Respondent had been informed by the OCDA that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and that Lish's employment of Respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

146. By failing to inform Lish or Laura, during his representation of Lish that he knew the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR; that Respondent had been informed by the OCDA that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and that Lish's employment of Respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA, Respondent caused false or misleading communications due to material omissions to be made to Lish and Laura to encourage a false impression that Respondent would be able to achieve meaningful benefit for Lish if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

147. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,700 from Lish and Laura that lacked Lish and Laura's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Lish; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Lish and Laura; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Robinson Matter (OCTC Case No. 23-O-15672)

148. By failing to inform Robinson and Gonzales, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Robinson for the preparation of Robinson's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that he knew Robinson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was

not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Robinson's employment of Respondent was unlikely to result in Robinson obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

149. By failing to inform Robinson or Gonzales during his representation of Robinson that Respondent knew Robinson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Robinson's employment of Respondent was unlikely to result in Robinson obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

150. By failing to inform Robinson or Gonzales during his representation of Robinson that Respondent knew Robinson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Robinson's employment of Respondent was unlikely to result in Robinson obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Robinson and Gonzales to encourage a false impression that Respondent would be able to achieve meaningful benefit for Robinson if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

151. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,800 from Robinson and Gonzales that lacked Robinson and Gonzales's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Robinson; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over

Robinson and Gonzales; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Charles Matter (OCTC Case No. 23-O-16130)

152. By failing to inform Charles, Stephanie, and Marie, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Charles for the preparation of Charles's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that he knew Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Charles's employment of Respondent was unlikely to result in Charles obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

153. By failing to inform Charles, Stephanie, or Maria during his representation of Charles that Respondent knew Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Charles's employment of Respondent was unlikely to result in Charles obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

154. By failing to inform Charles, Stephanie, or Maria during his representation of Charles that Respondent knew Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any

individual under AB2942; that Charles's employment of Respondent was unlikely to result in Charles obtaining meaningful relief under AB2942; and by permitting Cutcher to advise Charles that Charles should pursue relief under AB2942 before pursuing habeas relief because that would "get him out" in six to eight months, which advice was unreasonable and misleading, Respondent caused false or misleading communications due to material omissions to be made to Charles, Stephanie and Marie to encourage a false impression that Respondent would be able to achieve meaningful benefit for Charles if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

155. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$11,000 from Charles, Stephanie, and Marie that lacked their informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Charles; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Charles, Stephanie, and Marie; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Martinez Matter (OCTC Case No. 23-O-23496)

156. By failing to inform Martinez and Tina, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Martinez for the preparation of Martinez's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that he knew Martinez's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Martinez's employment of Respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

157. By failing to inform Martinez or Tina during his representation of Martinez that Respondent knew Martinez's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions

regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Martinez's employment of Respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

158. By failing to inform Martinez or Tina during his representation of Martinez that Respondent knew Martinez's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Martinez's employment of Respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Martinez and Tina to encourage a false impression that Respondent would be able to achieve meaningful benefit for Martinez if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

159. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,500 from Martinez and Tina that lacked Martinez and Tina's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Martinez; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Martinez and Tina; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Johnson Matter (OCTC Case No. 24-O-14431)

160. By failing to inform Johnson and Chimera, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Johnson for the preparation of Johnson's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that he knew Johnson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained

resentencing relief on behalf of any individual under AB2942; or that Johnson's employment of Respondent was unlikely to result in Johnson obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

161. By failing to inform Johnson or Chimera during his representation of Johnson that Respondent knew Johnson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Johnson's employment of Respondent was unlikely to result in Johnson obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1

162. By failing to inform Johnson or Chimera during his representation of Johnson that Respondent knew Johnson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Johnson's employment of Respondent was unlikely to result in Johnson obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Johnson and Chimera to encourage a false impression that Respondent would be able to achieve meaningful benefit for Johnson if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

163. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,700 from Johnson and Chimera that lacked Johnson and Chimera's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Johnson; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Johnson and Chimera; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

164. By omitting the material fact that neither Respondent nor anyone at his law firm filed the application for commutation on behalf of the “Spolin Law client” referenced in an announcement entitled “GOVERNOR PUBLICALLY ANNOUNCES COMMUTATION OF SENTENCE FOR SPOLIN LAW CLIENT,” and stating in relevant part that “California Governor Gavin Newsom has announced the commutation (reduction) of sentence for a Spolin Law client who was previously serving a life sentence without the possibility of parole,” Respondent made a communication to the public about his legal services on his website that omitted facts necessary to make the communication considered as a whole not materially misleading in willful violation of Rules of Professional Conduct, rule 7.1(a).

7. On or about September 11, 2025, an order was issued in Case No. S292012 (State Bar Court Nos. SBC-24-O-30656; SBC-24-O-30844), styled: *In re AARON SPOLIN on Discipline*, In the Supreme Court of California (Exhibit 4) disbarring Respondent.

8. Attached hereto is a true and correct copy of the August 26, 2024 Notice of Disciplinary Charges (Exhibit 1); the November 14, 2024, a Notice of Disciplinary Charges (Exhibit 2); the June 17, 2025, Stipulation Re Facts, Conclusions of Law, and Disposition, and an Order Approving Stipulation and Order of Involuntary Inactive Enrollment (Exhibit 3); and the Supreme Court of California’s disbarment order (Exhibit 4) entered on September 11, 2025, as described above. A certified copy of Exhibits 1-4 will be introduced at the time of hearing of this cause.

9. Respondent was disciplined in another jurisdiction within the meaning of TRDP 9.01. Respondent was found to have violated the following California Rules of Professional Conduct and California Business and Professions Code:

- a. R.P.C. 1.4(b) (A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.);
- b. R.P.C. 2.1 (In representing a client, a lawyer shall exercise independent professional judgment and render candid advice.);
- c. R.P.C. 7.1(a) (A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material

misrepresentation of fact or law, or omits a fact necessary to make the communication considered as a whole not materially misleading.);

- d. R.P.C. 1.5(a) (A lawyer shall not make an agreement for, charge, or collect an unconscionable or illegal fee); and,
- e. Business and Professions Code 6068(m) (It is the duty of an attorney to respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services).

10. One or more of Respondent's stipulated violations of the California Rules of Professional Conduct correspond to similar violations of the Texas Disciplinary Rules of Professional Conduct (the "TDRPC's"), including, but not limited to, TDRPC rules:

- a. TRDCP 1.03(a) (A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.) TEX. DISCIPLINARY R. PROF'L CONDUCT 1.03(a);
- b. TDRPC 1.03(b) (A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation) TEX. DISCIPLINARY R. PROF'L CONDUCT 1.03(b);
- c. TRDCP 2.01 (In advising or otherwise representing a client, a lawyer shall exercise independent professional judgment and render candid advice) TEX. DISCIPLINARY R. PROF'L CONDUCT 2.01;
- d. TRDCP 7.01(a) (A lawyer shall not make or sponsor a false or misleading communication about the qualifications or services of a lawyer or law firm. Information about legal services must be truthful and nondeceptive. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading. A statement is misleading if there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation, or if the statement is substantially likely to create unjustified expectations about the results the lawyer can achieve) TEX. DISCIPLINARY R. PROF'L CONDUCT 7.01(a); and


- e. TRDCP 1.04(a) (A lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee. A fee is unconscionable if a competent lawyer could not form a reasonable belief that the fee is reasonable.) TEX. DISCIPLINARY R. PROF'L CONDUCT 1.04(a).

11. The Commission prays, pursuant to Rule 9.02 of the TRDPs, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of reciprocal discipline in this state would be unwarranted. The Commission also prays that upon trial of this matter this Board enter a judgment imposing identical discipline, to the extent practicable, with that imposed by the Supreme Court of California, unless Respondent proves by clear and convincing evidence that a Rule 9.04 defense applies. Further, the Commission requests such other relief to which it may be entitled.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

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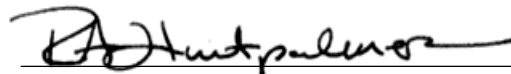

Richard A. Huntpalmer
Bar Card No. 24097857

ATTORNEYS FOR THE COMMISSION

CERTIFICATE OF SERVICE

I certify that upon receipt of the Order to Show Cause from the Board of Disciplinary Appeals, I will serve a copy of this Petition for Reciprocal Discipline and the Order to Show Cause on Aaron Spolin, by personal service.

Aaron Spolin
11500 W Olympic Blvd., Ste. 400
Los Angeles, California 90064-1525


Richard A. Huntpalmer

Public Matter

FILED *J.H.*

8/26/2024

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

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
GEORGE S. CARDONA, No. 135439
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THE STATE BAR COURT

HEARING DEPARTMENT – LOS ANGELES

In the Matter of:)	Case No. SBC-24-O-30656
)	
AARON SPOLIN,	)	NOTICE OF DISCIPLINARY CHARGES
State Bar No. 310379,)	
	)	(OCTC Case Nos. 22-O-14419, 23-O-13011,
	)	23-O-19035, 23-O-20688)
An Attorney of the State Bar.)	

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE; AND**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT AND MAY
RECOMMEND THE IMPOSITION OF MONETARY SANCTIONS
WITHOUT FURTHER HEARING OR PROCEEDING. (SEE RULES
PROC. OF STATE BAR, RULES 5.80 ET SEQ. & 5.137.)**

///

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Aaron Spolin (“respondent”) was admitted to the practice of law in the State of
4 California on June 23, 2016. Respondent currently is, and at all times relevant to these charges
5 was, a licensed attorney of the State Bar of California.

6 GENERAL BACKGROUND

7 2. California Assembly Bill 2942 (“AB2942”) was passed into law in 2018 and
8 effectively amended section 1170(d)(1) of the California Penal Code to allow the court to recall
9 and resentence a defendant upon the recommendation of the district attorney of the county in
10 which the defendant was sentenced. Prior to passage of AB2942, section 1170(d)(1) authorized
11 the court to recall a sentence and impose a lesser sentence only upon the recommendation of the
12 Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings in
13 the case of state prison inmates, or the county correctional administrator in the case of county jail
14 inmates.

15 3. After the amendment of section 1170(d)(1) of the California Penal Code by
16 AB2942, respondent charged clients for case reviews regarding post-conviction relief, after such
17 reviews recommended to clients and charged clients for the preparation and submission to
18 prosecutors of letters and other documents requesting resentencing pursuant to amended section
19 1170(d)(1). In particular, respondent recommended to clients and charged clients for the
20 preparation and submission to the Los Angeles District Attorney’s Office (“LADA”) of multiple
21 letters and other documents requesting resentencing pursuant to amended section 1170(d)(1).

22 4. Between February and April of 2021, respondent received no fewer than nine
23 letters from the LADA in which the LADA advised respondent that resentencing requests made
24 on behalf of criminal defendants pursuant to AB2942 would not be acted upon because the
25 LADA was in the process of establishing its own “new unit” to evaluate cases for resentencing.
26 The letters advised respondent that the LADA was prioritizing cases for review under the law.
27 The letters further advised respondent to consult the LADA website, which provided
28 information, including answers to frequently asked questions (“FAQs”), regarding the types of

1 cases and convictions that were being prioritized for review. The letters advised respondent that
2 “there was no need to take any action to be considered for resentencing, other than to check the
3 website for updates.”

4 5. As of no later than February 2021, the LADA website identified the “priority
5 criteria” the LADA used to consider a case for resentencing under AB2942. The website stated
6 that adults whose cases fit all of the following criteria would be prioritized for review: (1) age 50
7 and older; (2) sentenced to 20 years or more; (3) served a minimum of ten years in custody; (4)
8 serving a sentence for a non-serious or non-violent felony [serious and violent felonies are
9 defined in Penal Code section 1192.7(c) and Penal Code section 667.5(c)]; (5) has not suffered a
10 prior conviction for a “super strike,” as defined in Penal Code section 667(e)(2)(c)(IV); and (6) is
11 not a sex offender registrant. The LADA website specifically stated in its FAQs section that the
12 LADA “cannot accept calls, emails, letters, or other submissions regarding individual cases” and
13 that “a lawyer cannot initiate or accelerate the review process for an individual case.”

14 6. The at least nine letters respondent received from the LADA between February
15 2021 and April 2021 placed respondent on notice that applications for relief pursuant to AB2942
16 presented to the LADA on behalf of criminal defendants were unnecessary and would not
17 meaningfully affect the criminal defendant’s sentence.

18 BACKGROUND FACTS ON OCTC CASE NO. 22-O-14419

19 7. On or about January 1, 1997, Karl Holmes (“Holmes”), defendant in the criminal
20 matter *People of the State of California v. Karl Holmes et. al.*, Case No. BA092268, Los Angeles
21 County Superior Court, was sentenced to death for convictions of three counts of murder with
22 special circumstances, one count of attempted murder, and one count of conspiracy to commit
23 murder, with an enhancement for personal use of a firearm during the commission of the crimes.

24 8. On or about February 19, 2022, Holmes’s fiancé, Ernestine Holley (“Holley”),
25 hired respondent, on Holmes’s behalf, to conduct a case review of Holmes’s legal options
26 regarding post-conviction relief. The case review did not include drafting, submitting, or filing
27 any requests for post-conviction relief. Prior to hiring respondent for the case review, Holley
28 spoke only with respondent’s non-attorney employee Olivia Alvarado (“Alvarado”). Alvarado

1 advised Holley of the legal fee to be paid to respondent for the case review. Holley paid
2 respondent \$3,000 for the case review.

3 9. Holmes, who had been convicted of serious and violent felonies, did not meet the
4 “priority criteria” published by the LADA on its website and used by it to consider a case for
5 resentencing under AB2942.

6 10. At the time he was employed by Holley on behalf of Holmes, despite his
7 knowledge of the “priority criteria” listed on the LADA website, respondent did not advise
8 Holmes or Holley that Holmes did not meet the “priority criteria” to be considered by the LADA
9 for resentencing under AB2942.

10 11. On or about May 11, 2022, respondent spoke with Holmes regarding the case
11 review. Respondent recommended to Holmes that Holmes pursue relief under AB2942 and
12 quoted Holmes a legal fee of \$11,500 to \$14,500 for pursuing such relief. Respondent did not
13 inform Holmes that based on his violent and serious felony convictions, Holmes fell outside the
14 “priority criteria” applied by the LADA in determining which, if any, cases it would consider for
15 resentencing under AB2942. Respondent also did not inform Holmes that respondent had
16 previously received numerous letters from the LADA informing him that there was no need for
17 any person seeking resentencing to take any action to be considered for resentencing, other than
18 to check the LADA website for updates. Nor did respondent inform Holmes that the LADA
19 website indicated that the LADA was not accepting calls, emails, letters, or other submissions
20 regarding individual cases seeking relief under AB2942.

21 12. In respondent’s written case review for Holmes, which was emailed to Holley on
22 or about May 9, 2022, and delivered to Holmes by respondent’s office on or about May 12,
23 2022, respondent advised and recommended that Holmes seek resentencing pursuant to AB2942.
24 The case review did not inform Holmes or Holley that based on Holmes’ violent and serious
25 felony convictions, Holmes fell outside the “priority criteria” applied by the LADA in
26 determining which, if any, cases it would consider for resentencing under AB2942. The case
27 review also did not inform Holmes or Holley that respondent had previously received numerous
28 letters from the LADA informing him that there was no need for any person seeking

1 resentencing to take any action to be considered for resentencing, other than to check the LADA
2 website for updates. Nor did the case review inform Holmes or Holley that the LADA website
3 indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding
4 individual cases seeking relief under AB2942. When discussing whether Holmes should pursue
5 relief under AB2942, the case review stated that pursuing this relief was “strongly
6 recommended.”

7 13. Between on or about May 12, 2022, and on or about October 13, 2022, Alvarado
8 and Marti Wise (“Wise”), another non-attorney employed by respondent, communicated with
9 Holley multiple times to encourage Holley to employ respondent to pursue resentencing relief
10 under AB2942.

11 14. On or about June 30, 2022, Wise emailed Holley stating that “resentencing under
12 AB2942 is the best option” for Holmes. Wise quoted Holley a legal fee of \$18,200 for the legal
13 service, with credit given for the \$3,000 already paid for Holmes’s case review.

14 15. In or about October 2022, Holley consulted the LADA website and learned that
15 the LADA was not considering AB2942 resentencing requests from outside counsel. Based on
16 this information, and her discussions with other attorneys, Holley concluded that respondent’s
17 recommendation would not help Holmes.

18 16. On or about October 12, 2022, Holley received a text from Wise asking when she
19 was going to proceed with hiring respondent for the AB2942 petition.

20 17. On or about October 13, 2022, Wise sent Holley an email stating, “We have
21 probably 50 petitions [submitted to the LADA] and only a few have been denied, and one has
22 been won. Now that George Gascon is back in office for another two years, those petitions will
23 now slowly move through the system. Please be patient as this is a slow process. No news from
24 the DA’s office is good news because it means they are still working on it.”

25 18. On or about October 28, 2022, Holley emailed respondent requesting an itemized
26 billing showing all legal services respondent performed for Holmes, including the dates the legal
27 services were performed. Further, Holley requested a complete list of California capital cases to
28 which respondent was appointed or retained since receiving his California State Bar license.

Respondent provided Holley a “block billing” accounting that was not itemized. Respondent did not respond to Holley’s request regarding his experience on capital cases.

COUNT ONE
OCTC Case No. 22-O-14419
Rules of Professional Conduct, Rule 1.4(b)
[Failure to Communicate in Order to Permit Client to Make Informed Decisions]

19. Paragraphs 2 through 18 above are incorporated by reference.

20. Beginning on or about February 19, 2022, and continuing through on or about October 13, 2022, in soliciting and accepting employment and the payment of \$3,000 in fees from Holmes and Holley for the preparation of Holmes’s case review, and in soliciting employment and the payment of additional fees from Holmes and Holley for respondent to pursue relief for Holmes under AB2942, respondent failed to communicate and explain a matter to the extent reasonably necessary to permit Holmes and Holley to make an informed decision regarding representation by respondent, in willful violation of Rules of Professional Conduct, rule 1.4(b), by failing to inform Holmes and Holley of the following:

a. Holmes’s case did not fall within the “priority criteria” the LADA applied in its consideration of AB2942 resentencing matters;

b. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

c. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

d. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

e. based upon all of the above, Holmes’s employment of respondent was unlikely to result in Holmes obtaining meaningful relief under AB2942 from the LADA.

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COUNT TWO
OCTC Case No. 22-O-14419
Rules of Professional Conduct, Rule 2.1
[Failure to Render Candid Advice]

21. Paragraphs 2 through 18 above are incorporated by reference.

22. Beginning on or about February 19, 2022, and continuing through on or about October 13, 2022, in representing Holmes, respondent failed to render candid advice to Holmes, in willful violation of Rules of Professional Conduct, rule 2.1, by failing to inform Holmes and Holley of the following:

a. Holmes's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

b. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

c. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

d. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

e. based upon all of the above, Holmes's employment of respondent was unlikely to result in Holmes's obtaining meaningful relief under AB2942 from the LADA.

COUNT THREE
OCTC Case No. 22-O-14419
Rules of Professional Conduct, Rule 7.1(a)
[Misleading Communications Concerning Lawyer's Services]

23. Paragraphs 2 through 18 above are incorporated by reference.

24. Beginning on or about February 19, 2022, and continuing through on or about October 13, 2022, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent made and caused to be made to Holmes and Holley communications about legal services for

1 which respondent sought and obtained payment that were misleading in that, to encourage a false
2 impression that respondent would be able to achieve meaningful benefit for Holmes under
3 AB2942 if Holmes and Holley employed respondent, the communications omitted the following
4 facts necessary to make the communications considered as a whole not materially misleading:

5 a. Holmes's case did not fall within the "priority criteria" the LADA applied
6 in its consideration of AB2942 resentencing matters;

7 b. respondent had been given notice by the LADA that there was no need for
8 criminal defendants to take any action to be considered for resentencing and that the LADA
9 would independently identify the cases it would prioritize for resentencing consideration under
10 AB2942;

11 c. the LADA website specifically stated that the LADA was not accepting
12 calls, emails, letters, or other submissions regarding individual cases seeking relief under
13 AB2942;

14 d. respondent had not successfully obtained resentencing relief on behalf of
15 any individual under AB2942; and

16 e. based upon all of the above, Holmes's employment of respondent was
17 unlikely to result in Holmes's obtaining meaningful relief under AB2942 from the LADA.

18 COUNT FOUR
19 OCTC Case No. 22-O-114419
20 Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

21 25. Paragraphs 2 through 18 above are incorporated by reference.

22 26. Beginning on or about February 19, 2022, and continuing through in or about
23 October 2022, in willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent
24 entered into an agreement for, charged, and collected a fee of \$3,000 from Holley to perform
25 legal services on behalf of Holmes, namely to prepare a case review for relief under AB2942 to
26 be submitted to the LADA, which fee was unconscionable based on all the facts and
27 circumstances existing during the time respondent represented Holmes, including in particular
28 but not limited to the following:

1 a. Respondent's failure to disclose to Holley and Holmes the following
2 material facts:

3 i. Holmes did not fall within the "priority criteria" the LADA applied
4 in its consideration of AB2942 resentencing matters;

5 ii. respondent had been given notice by the LADA that there was no
6 need for criminal defendants to take any action to be considered
7 for resentencing and that the LADA would independently identify
8 the cases it would prioritize for resentencing consideration under
9 AB2942;

10 iii. the LADA website specifically stated that the LADA was not
11 accepting calls, emails, letters, or other submissions regarding
12 individual cases seeking relief under AB2942;

13 iv. respondent had not successfully obtained resentencing relief on
14 behalf of any individual under AB2942; and

15 v. based upon the above, Holmes's employment of respondent was
16 unlikely to result in Holmes obtaining meaningful relief under
17 AB2942 from the LADA.

18 b. the fee lacked Holley and Holmes's informed consent;

19 c. the fee was disproportionate to the value of the legal services respondent
20 provided;

21 d. the fee was the product of respondent taking unfair advantage of his
22 superior position over Holley and Holmes; and

23 e. the legal services did not result in any meaningful benefit to Holmes.
24

25 BACKGROUND FACTS ON OCTC CASE NO. 23-O-13011

26 27. On or about February 9, 2011, Thomas Stringer ("Stringer"), defendant in the
27 criminal matter *People of the State of California v. Thomas Stringer*, Case No. KA088197, Los
28 Angeles County Superior Court, was sentenced to 160 years to life for convictions on seven

1 counts of kidnapping, six counts of second-degree robbery, and one count of felon in possession
2 of a firearm, with enhancements for personally using a firearm and gang affiliation in connection
3 with the offenses.

4 28. On or about June 23, 2021, Stringer's sister, Tiffany Abram ("Abram"), hired
5 respondent, on Stringer's behalf, to conduct a case review of Stringer's legal options regarding
6 post-conviction relief. The case review did not include drafting, submitting, or filing any requests
7 for post-conviction relief. Prior to hiring respondent for the case review, Abram spoke only with
8 respondent's non-attorney employee Hemi Tann ("Tann"). Tann advised Abram of the legal fee
9 to be paid respondent for the case review. Abram paid respondent \$3,000 for the case review.

10 29. Stringer, who had been convicted of serious and violent felonies, did not meet the
11 "priority criteria" published by the LADA on its website and used by it to consider a case for
12 resentencing under AB2942.

13 30. At the time he was employed by Abram on behalf of Stringer, despite his
14 knowledge of the "priority criteria" listed on the LADA website, respondent did not advise
15 Stringer or Abram that Stringer did not meet the "priority criteria" to be considered by the
16 LADA for resentencing under AB2942.

17 31. On or about August 25, 2021, respondent spoke with Abram to discuss Stringer's
18 case review and respondent's recommendation that Stringer pursue relief under AB2942.
19 Stringer was not included in the conversation. Respondent told Abram that Stringer was a good
20 candidate for resentencing under AB2942 because Stringer had not been in trouble since being
21 incarcerated. Respondent did not inform Abram that based upon Stringer's violent and serious
22 convictions, Stringer fell outside of the "priority criteria" applied by the LADA in determining
23 which, if any, cases it would consider for resentencing under AB2942. Respondent also did not
24 inform Abram that respondent had previously received numerous letters from the LADA
25 informing him that there was no need for any person seeking resentencing to take any action to
26 be considered for resentencing, other than to check the website for updates. Nor did respondent
27 inform Abram that the LADA website indicated that the LADA was not accepting calls, emails,
28 letters, or other submissions regarding individual cases under AB2942.

1 32. In respondent's written case review for Stringer, which was delivered to Stringer
2 by respondent's office on or about August 26, 2021, respondent advised and recommended that
3 Stringer seek resentencing pursuant to AB2942. The case review did not inform Stringer that
4 based on Stringer's violent and serious felony convictions, Stringer fell outside of the "priority
5 criteria" applied by the LADA in determining which, if any, cases it would consider for
6 resentencing under AB2942. The case review also did not inform Stringer that respondent had
7 previously received numerous letters from the LADA informing him that there was no need for
8 any person seeking resentencing to take any action to be considered for resentencing, other than
9 to check the website for updates. Nor did the case review advise Stringer that the LADA website
10 indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding
11 individual cases under AB2942. When discussing whether Stringer should pursue relief under
12 AB2942, the case review stated simply that pursuing this relief was "strongly recommended."

13 33. On or about September 15, 2021, Stringer wrote to respondent. In his letter,
14 Stringer informed respondent that Stringer had been found in violation of prison cell phone rules
15 and asked whether the violations would impact Stringer's opportunity to obtain resentencing
16 relief. Respondent never responded to Stringer's letter.

17 34. On or about September 16, 2021, Abram called respondent regarding Stringer's
18 cell phone violations and spoke with respondent's non-attorney employee Tann. Tann told
19 Abram, "Not to worry about it since it's not violent like stabbing a guard."

20 35. Respondent never communicated directly with Abram or Stringer regarding their
21 concerns that the cell phone violations may have negatively impacted Stringer's ability to obtain
22 resentencing relief.

23 36. On or about October 26, 2021, Abram hired respondent to represent Stringer in
24 submitting to the LADA a request for resentencing under AB2942. Respondent charged Abram
25 \$14,700 for the legal service, including a credit of \$3,000 for the legal fee Abram had paid for
26 Stringer's case review. Abram paid respondent the additional \$11,700 between on or about
27 October 26, 2021, and on or about January 20, 2022.

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1 37. On or about June 28, 2022, respondent submitted to the LADA a request for
2 resentencing pursuant to AB2942 on behalf of Stringer.

3 38. On or about January 18, 2023, Abram consulted the LADA website and learned
4 that based on Stringer's violent and serious felony convictions, Stringer fell outside of the
5 "priority criteria" applied by the LADA in determining which, if any, cases it would consider for
6 resentencing under AB2942.

7 39. In light of her discovery, Abram sent an email message to respondent on or about
8 January 18, 2023, asking why respondent had recommended that she hire him to pursue
9 resentencing for Stringer pursuant to AB2942.

10 40. On or about January 24, 2023, Jill Miscioscia, a non-lawyer employed by
11 respondent, responded to Abram via email stating: "The legal team advised that the District
12 Attorney's office has created priority criteria to allow for a formal and orderly review process.
13 However, neither AB2942 nor the Special Directives provide for any distinction between types
14 of crimes."

15 41. On or about February 3, 2023, respondent wrote to Stringer stating: "We have
16 been in contact with the District Attorney's Office, and they stated that they would like more
17 information about you and your case. Specifically, they would like to obtain and review your
18 CDCR [California Department of Corrections and Rehabilitation] Central File." Respondent
19 knew at the time he made the statement to Stringer that the statement was false and misleading
20 because the LADA never so contacted respondent and never requested "more information"
21 regarding Stringer, Stringer's "CDCR ... Central File," or Stringer's "case."

22 42. On or about February 14, 2023, Stringer terminated respondent's employment.
23

24 COUNT FIVE
25 OCTC Case No. 23-O-13011
26 Rules of Professional Conduct, Rule 1.4(b)
 [Failure to Communicate in Order to Permit Client to Make Informed Decisions]

27 43. Paragraphs 2 through 6 and 27 through 42 above are incorporated by reference.
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1 44. Beginning on or about June 23, 2021, and continuing through on or about
2 February 14, 2023, in soliciting and accepting employment and the payment of fees from
3 Stringer and Abram for the preparation of Stringer’s case review and the preparation and
4 submission to the LADA of a request for resentencing relief under AB2942, respondent failed to
5 communicate and explain a matter to the extent reasonably necessary to permit Abram and
6 Stringer to make an informed decision regarding representation by respondent, in willful
7 violation of Rules of Professional Conduct, rule 1.4(b), by failing to inform Abram and Stringer
8 of the following:

9 a. Stringer’s case did not fall within the “priority criteria” the LADA applied
10 in its consideration of AB2942 resentencing matters;

11 b. respondent had been given notice by the LADA that there was no need for
12 criminal defendants to take any action to be considered for resentencing and that the LADA
13 would independently identify the cases it would prioritize for resentencing consideration under
14 AB2942;

15 c. the LADA website specifically stated that the LADA was not accepting
16 calls, emails, letters, or other submissions regarding individual cases seeking relief under
17 AB2942;

18 d. respondent had not successfully obtained resentencing relief on behalf of
19 any individual under AB2942;

20 e. the legal impact of Stringer’s prison cell phone violations upon a request
21 for resentencing relief under AB2942; and

22 f. based upon all of the above, Stinger’s employment of respondent was
23 unlikely to result in Stringer obtaining meaningful relief under AB2942 from the LADA.

24
25 COUNT SIX
26 OCTC Case No. 23-O-13011
27 Rules of Professional Conduct, Rule 2.1
28 [Failure to Render Candid Advice]

45. Paragraphs 2 through 6 and 27 through 42 above are incorporated by reference.

1 46. Beginning on or about June 23, 2021, and continuing through on or about
2 February 14, 2023, in representing Stringer, respondent failed to render candid advice to
3 Stringer, in willful violation of Rules of Professional Conduct, rule 2.1, by failing to inform
4 Abram and Stringer of the following:

5 a. Stringer's case did not fall within the "priority criteria" the LADA applied
6 in its consideration of AB2942 resentencing matters;

7 b. respondent had been given notice by the LADA that there was no need for
8 criminal defendants to take any action to be considered for resentencing and that the LADA
9 would independently identify the cases it would prioritize for resentencing consideration under
10 AB2942;

11 c. the LADA website specifically stated that the LADA was not accepting
12 calls, emails, letters, or other submissions regarding individual cases seeking relief under
13 AB2942;

14 d. respondent had not successfully obtained resentencing relief on behalf of
15 any individual under AB2942;

16 e. the legal impact of Stringer's prison cell phone violations upon a request
17 for resentencing relief under AB2942; and

18 f. based upon all of the above, Stringer's employment of respondent was
19 unlikely to result in Stringer obtaining meaningful relief under AB2942 from the LADA.

20
21 COUNT SEVEN
22 OCTC Case No. 23-O-13011
23 Rules of Professional Conduct, Rule 7.1(a)
 [Misleading Communications Concerning Lawyer's Services]

24 47. Paragraphs 2 through 6 and 27 through 42 above are incorporated by reference.

25 48. Beginning on or about June 23, 2021, and continuing through on or about
26 February 14, 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent
27 made and caused to be made to Abram and Stringer communications about legal services for
28 which respondent sought and obtained payment that were misleading in that, to encourage a false

1 impression that respondent would be able to achieve meaningful benefit for Stringer under
2 AB2942 if Stringer and Abram employed respondent, the communications omitted the following
3 facts necessary to make the communications considered as a whole not materially misleading:

4 a. Stringer's case did not fall within the "priority criteria" the LADA applied
5 in its consideration of AB2942 resentencing matters;

6 b. respondent had been given notice by the LADA that there was no need for
7 criminal defendants to take any action to be considered for resentencing and that the LADA
8 would independently identify the cases it would prioritize for resentencing consideration under
9 AB2942;

10 c. the LADA website specifically stated that the LADA was not accepting
11 calls, emails, letters, or other submissions regarding individual cases seeking relief under
12 AB2942;

13 d. respondent had not successfully obtained resentencing relief on behalf of
14 any individual under AB2942;

15 e. the legal impact of Stringer's prison cell phone violations upon a request
16 for resentencing relief under AB2942; and

17 f. based upon all of the above, Stringer's employment of respondent was
18 unlikely to result in Poe obtaining meaningful relief under AB2942 from the LADA.

19
20 COUNT EIGHT

OCTC Case No. 23-O-13011

Rules of Professional Conduct, Rule 1.5(a)

[Unconscionable Fee]

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23 49. Paragraphs 2 through 6 and 27 through 42 above are incorporated by reference.

24 50. Beginning on or about June 23, 2021, and continuing through on or about
25 February 14, 2023, in willful violation of the Rules of Professional Conduct, rule 1.5(a),
26 respondent entered into an agreement for, charged, and collected a fee of \$14,700 from Abram to
27 perform legal services on behalf of Stringer, namely to prepare a case review and to prepare and
28 submit a request for relief under AB2942 to the LADA, which fee was unconscionable based on

1 all the facts and circumstances existing during the time respondent represented Stringer,
2 including in particular but not limited to the following:

3 a. respondent's failure to disclose to Stringer and Abram the following
4 material facts:

- 5 i. Stringer did not fall within the "priority criteria" the LADA
6 applied in its consideration of AB2942 resentencing matters;
- 7 ii. respondent had been given notice by the LADA that there was no
8 need for criminal defendants to take any action to be considered
9 for resentencing and that the LADA would independently identify
10 the cases it would prioritize for resentencing consideration under
11 AB2942;
- 12 iii. the LADA website specifically stated that the LADA was not
13 accepting calls, emails, letters, or other submissions regarding
14 individual cases seeking relief under AB2942;
- 15 iv. respondent had not successfully obtained resentencing relief on
16 behalf of any individual under AB2942;
- 17 v. the legal impact of Stringer's prison cell phone violations upon a
18 request for resentencing relief under AB2942; and
- 19 vi. based upon the above, Stringer's employment of respondent was
20 unlikely to result in Poe obtaining meaningful relief under AB2942
21 from the LADA;

22 b. the fee lacked Abram and Stringer's informed consent;

23 c. the fee was disproportionate to the value of the legal services respondent
24 provided;

25 d. the fee was the product of respondent taking unfair advantage of his
26 superior position over Abram and Stringer; and

27 e. the legal services did not result in any meaningful benefit to Stringer.

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COUNT NINE
OCTC Case No. 23-O-13011
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

51. Paragraphs 2 through 6 and 27 through 42 above are incorporated by reference.

52. On or about February 3, 2023, respondent stated in writing to Stringer, “We have been in contact with the District Attorney’s Office, and they stated that they would like more information about you and your case. Specifically, they would like to obtain and review your CDCR [California Department of Corrections and Rehabilitation] Central File.” Respondent knew at the time he made the statement to Stringer that the statement was false and misleading because the LADA never so contacted respondent and never requested “more information” regarding Stringer, Stringer’s “CDCR ... Central File,” or Stringer’s “case.” By making an intentional misrepresentation to Stringer as set forth above, respondent committed an act involving moral turpitude, dishonesty, and corruption, in willful violation of Business and Professions Code section 6106.

53. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with making an intentional misrepresentation. However, should the evidence at trial demonstrate that respondent’s misrepresentation resulted from gross negligence, respondent must still be found culpable of violating section 6106 because misrepresentation resulting from gross negligence is a lesser included offense of intentional misrepresentation.

BACKGROUND FACTS ON OCTC CASE NO. 23-O-19035

54. On or about April 28, 2004, John Poe (“Poe”), defendant in the criminal matter *People of the State of California v. John Poe*, Case No. YA052931, Los Angeles County Superior Court, was sentenced to 64 years to life for convictions of murder, attempted murder, and assault with a firearm, with enhancements for personally using a firearm in commission of the offenses.

///

1 55. On or about February 17, 2021, Poe's sister, Shawnty Wynne ("Wynne") hired
2 respondent, on Poe's behalf, to conduct a case review of Poe's legal options regarding post-
3 conviction relief. The case review did not include drafting, submitting, or filing any requests for
4 post-conviction relief. Prior to hiring respondent for the case review, Wynne spoke only with
5 respondent's non-attorney employee Hemi Tann ("Tann"). Tann advised Wynne of the legal fee
6 to be paid to respondent for the case review. Wynne paid respondent \$3,000 for the case review.

7 56. Poe, who had been convicted of serious and violent felonies, did not meet the
8 "priority criteria" published by the LADA on its website and used by it to consider a case for
9 resentencing under AB2942.

10 57. At the time he was employed by Wynne on behalf of Poe, despite his knowledge
11 of the "priority criteria" listed on the LADA website, respondent did not advise Wynne or Poe
12 that Poe did not meet the "priority criteria" to be considered by the LADA for resentencing under
13 AB2942.

14 58. In respondent's written case review for Poe, which was delivered to Poe and
15 Wynne by respondent's office on or about April 14, 2021, respondent advised and recommended
16 that Poe seek resentencing pursuant to AB2942. The case review did not inform Wynne or Poe
17 that based on Poe's violent and serious felony convictions Poe fell outside of the "priority
18 criteria" applied by the LADA in determining which, if any, cases it would consider for
19 resentencing under AB2942. The case review also did not inform Wynne or Poe that respondent
20 had previously received numerous letters from the LADA informing him that there was no need
21 for any person seeking resentencing to take any action to be considered for resentencing, other
22 than to check the website for updates. Nor did the case review advise Wynn or Poe that the
23 LADA website indicated that the LADA was not accepting calls, emails, letters, or other
24 submissions regarding individual cases under AB2942. When discussing whether Poe should
25 pursue relief under AB2942, the case review stated simply: "This relief is recommended."

26 59. On or about April 15, 2021, respondent spoke with Wynne to discuss the options
27 respondent included in Poe's case review. Poe was not included in the telephone conversation.
28 Respondent strongly recommended to Wynne that Poe pursue relief under AB2942. During this

1 conversation, respondent did not inform Wynne that based upon Poe's violent and serious felony
2 convictions, Poe fell outside of the "priority criteria" applied by the LADA in determining
3 which, if any, cases it would consider for resentencing under AB2942. Respondent also did not
4 inform Wynne that he had previously received numerous letters from the LADA informing him
5 that there was no need for any person seeking resentencing to take any action to be considered
6 for resentencing, other than to check the website for updates. Nor did respondent inform Wynne
7 that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other
8 submissions regarding individual cases under AB2942.

9 60. On or about April 28, 2021, Wynne paid respondent an additional \$23,700 to
10 represent Poe in submitting to the LADA a request for resentencing under AB2942, in
11 submitting to the California Governor an application for commutation, and in preparing for and
12 conducting a *Franklin* hearing (to present evidence related to Poe's youth at the time of the
13 offenses' commission in mitigation of sentence) before the Board of Parole. These services were
14 sold as a "package," in connection with which respondent stated that his legal fee for seeking
15 relief for Poe solely pursuant to AB2942 would be between \$11,700 and \$14,700.

16 61. On or about October 8, 2021, respondent submitted to the LADA a request for
17 relief under AB2942 on behalf of Poe. On December 16, 2022, the LADA sent respondent a
18 letter denying the request based on the violent and serious nature of Poe's convictions. The
19 LADA letter stated: "Please keep in mind that contacting our office to provide unsolicited
20 information regarding a particular individual or to ask for an update is not helpful and, in fact,
21 severely detracts from our ability to review these cases in a fair, orderly and expeditious
22 manner." The letter also included the resentencing policy of the LADA, including the priority
23 criteria for the LADA's case review and reminded respondent that the policy was also available
24 on the LADA website.

25 62. On or about February 14, 2023, respondent submitted to the LADA another
26 AB2942 request on behalf of Poe. On March 10, 2023, the LADA denied respondent's second
27 resentencing request and cited the same reasons as in the December 16, 2022 letter. The March

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1 10, 2023, letter indicated that the LADA would contact Poe directly if he “becomes an
2 appropriate candidate for resentencing.”

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4 COUNT TEN
5 OCTC Case No. 23-O-19035
6 Rules of Professional Conduct, Rule 1.4(b)
[Failure to Communicate in Order to Permit Client to Make Informed Decisions]

7 63. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

8 64. Beginning on or about February 17, 2021, and continuing through on or about
9 March 10, 2023, in soliciting and accepting employment and the payment of fees from Wynne
10 and Poe for the preparation of Poe’s case review and the preparation and submission to the
11 LADA of a request for resentencing relief under AB2942, respondent failed to communicate and
12 explain a matter to the extent reasonably necessary to permit Wynne and Poe to make an
13 informed decision regarding representation by respondent, in willful violation of Rules of
14 Professional Conduct, rule 1.4(b), by failing to inform Wynne and Poe of the following:

15 a. Poe’s case did not fall within the “priority criteria” the LADA applied in
16 its consideration of AB2942 resentencing matters;

17 b. respondent had been given notice by the LADA that there was no need for
18 criminal defendants to take any action to be considered for resentencing and that the LADA
19 would independently identify the cases it would prioritize for resentencing consideration under
20 AB2942;

21 c. the LADA website specifically stated that the LADA was not accepting
22 calls, emails, letters, or other submissions regarding individual cases seeking relief under
23 AB2942;

24 d. respondent had not successfully obtained resentencing relief on behalf of
25 any individual under AB2942; and

26 e. based upon all of the above, Poe’s employment of respondent was unlikely
27 to result in Poe obtaining meaningful relief under AB2942 from the LADA.

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COUNT ELEVEN
OCTC Case No. 23-O-19035
Rules of Professional Conduct, Rule 2.1
[Failure to Render Candid Advice]

65. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

66. Beginning on or about February 17, 2021, and continuing through on or about March 10, 2023, in representing Poe, respondent failed to render candid advice to Poe, in willful violation of Rules of Professional Conduct, rule 2.1, by failing to inform Wynne and Poe of the following:

a. Poe's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

b. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

c. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

d. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

e. based upon all of the above, Poe's employment of respondent was unlikely to result in Poe obtaining meaningful relief under AB2942 from the LADA.

COUNT TWELVE
OCTC Case No. 23-O-19035
Rules of Professional Conduct, Rule 7.1(a)
[Misleading Communications Concerning Lawyer's Services]

67. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

68. Beginning on or about February 17, 2021, and continuing through on or about March 10, 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent

1 made and caused to be made to Wynne and Poe communications about legal services for which
2 respondent sought and obtained payment that were misleading in that, to encourage a false
3 impression that respondent would be able to achieve meaningful benefit for Poe under AB2942 if
4 Wynne and Poe employed respondent, the communications omitted the following facts necessary
5 to make the communications considered as a whole not materially misleading:

6 a. Poe's case did not fall within the "priority criteria" the LADA applied in
7 its consideration of AB2942 resentencing matters;

8 b. respondent had been given notice by the LADA that there was no need for
9 criminal defendants to take any action to be considered for resentencing and that the LADA
10 would independently identify the cases it would prioritize for resentencing consideration under
11 AB2942;

12 c. the LADA website specifically stated that the LADA was not accepting
13 calls, emails, letters, or other submissions regarding individual cases seeking relief under
14 AB2942;

15 d. respondent had not successfully obtained resentencing relief on behalf of
16 any individual under AB2942; and

17 e. based upon all of the above, Poe's employment of respondent was unlikely
18 to result in Poe obtaining meaningful relief under AB2942 from the LADA.

19 COUNT THIRTEEN
20 OCTC Case No. 23-O-19035
21 Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

22 69. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

23 70. On or about April 28, 2021, in willful violation of the Rules of Professional
24 Conduct, rule 1.5(a), respondent entered into an agreement for, charged, and collected a fee of
25 \$26,700 from Wynne to perform legal services on behalf of Poe, which fee included \$11,700 to
26 \$14,700 to pay respondent to prepare and submit a request for relief under AB2942 to the
27 LADA, which portion of the fee was unconscionable based on all the facts and circumstances

28 ///

1 existing during the time respondent represented Poe, including in particular but not limited to the
2 following:

3 a. Respondent's failure to disclose to Stringer and Abram the following
4 material facts:

- 5 i. Poe did not fall within the "priority criteria" the LADA applied in its
6 consideration of AB2942 resentencing matters;
- 7 ii. respondent had been given notice by the LADA that there was no need
8 for criminal defendants to take any action to be considered for
9 resentencing and that the LADA would independently identify the
10 cases it would prioritize for resentencing consideration under AB2942;
- 11 iii. the LADA website specifically stated that the LADA was not
12 accepting calls, emails, letters, or other submissions regarding
13 individual cases seeking relief under AB2942;
- 14 iv. respondent had not successfully obtained resentencing relief on behalf
15 of any individual under AB2942; and
- 16 v. based upon the above, Poe's employment of respondent was unlikely
17 to result in Poe obtaining meaningful relief under AB2942 from the
18 LADA.

19 b. the fee lacked Wynne and Poe's informed consent;

20 c. the fee was disproportionate to the value of the legal services respondent
21 provided;

22 d. the fee was the product of respondent taking unfair advantage of his
23 superior position over Wynne and Poe; and

24 e. the legal services did not result in any meaningful benefit to Poe.

25

26 BACKGROUND FACTS COMMON TO OCTC CASE NO. 23-O-20688

27 71. On or about March 25, 2021, the Orange County District Attorney's Office
28 ("OCDA") determined that it would only consider requests for resentencing under AB2942 that

1 it received from the California Department of Corrections and Rehabilitation (“CDCR”). The
2 OCDA’s policy acknowledged that while AB2942 provides the OCDA authority to request a
3 resentencing, OCDA would rely on the CDCR to identify cases in which the OCDA would make
4 such a request to the court.

5 72. Between May 21, 2021, and October 5, 2021, respondent received no fewer than
6 eight letters from the OCDA notifying respondent of the above policy regarding AB2942
7 resentencing requests. The letters advised respondent that based on OCDA policy, respondent’s
8 clients’ requests to OCDA for resentencing under AB2942 would not be acted upon.

9 73. On or about October 30, 2017, Dustin Lish (“Lish”), defendant in the criminal
10 matter *People of the State of California v. Dustin Lish*, Case No. 12NF0792, Orange County
11 Superior Court, was sentenced to 15 years to life for a second-degree murder conviction.

12 74. On or about December 12, 2021, Lish’s wife, Laura Lish (“Laura”), hired
13 respondent, on Lish’s behalf, to conduct a case review of Lish’s legal options regarding post-
14 conviction relief. The case review did not include drafting, submitting, or filing any requests for
15 post-conviction relief. Prior to hiring respondent for the case review, Laura spoke only with
16 respondent’s non-attorney employee Hemi Tann (“Tann”). Tann advised Laura of the legal fee
17 to be paid respondent for the case review. On or about December 12, 2021, Lish paid respondent
18 \$3,000 for the case review.

19 75. On February 14, 2022, respondent emailed Laura a copy of Lish’s case review
20 which included a recommendation that Lish employ respondent to pursue relief under AB2942.
21 The case review did not inform Laura or Lish that the OCDA would only consider requests for
22 resentencing under AB2942 that it received from the CDCR. The case review also did not
23 inform Laura or Lish that respondent had received no fewer than eight letters from the OCDA
24 notifying him of the OCDA policy and that, based on the OCDA policy, respondent’s client
25 requests to the OCDA for resentencing under AB2942 would not be acted upon.

26 76. On or about February 16, 2022, respondent spoke with Laura regarding the case
27 review and respondent’s recommendation that Lish pursue relief under AB2942, a commutation
28 of sentence, and a *Franklin* hearing. Respondent did not inform Laura that the OCDA would

1 only consider requests for resentencing under AB2942 that it received from the CDCR.
2 Respondent also did not inform Laura that respondent had received no fewer than eight letters
3 from the OCDA notifying him of the OCDA policy and that, based on the OCDA policy,
4 respondent's clients' requests to the OCDA for resentencing under AB2942 would not be acted
5 upon.

6 77. On or about February 18, 2022, Laura hired respondent to pursue post-conviction
7 relief for Lish that included drafting an Application for Resentencing under AB2942 to be
8 submitted to the OCDA, a Supplemental/Superseding Application for Commutation of Sentence,
9 and a petition for *Franklin* Hearing. Respondent charged Laura \$28,500 for all three services,
10 with a credit for the \$3,000 previously paid for Lish's case review. Of this amount, the cost of
11 pursuing AB2942 relief was \$11,700 to \$14,700. On or about February 18, 2022, Laura and Lish
12 paid respondent \$25,500.

13 78. On or about September 12, 2022, respondent submitted to the OCDA a request for
14 resentencing pursuant to AB2942 on behalf of Lish.

15 79. On or about September 28, 2022, the OCDA sent respondent a letter stating that it
16 would not act upon respondent's request for resentencing on behalf of Lish. The letter stated in
17 part, "as you are already aware, the OCDA only considers §1172.1 resentencing requests
18 submitted by the California Department of Corrections and Rehabilitation (CDCR)..." The letter
19 further stated, "As we know you are aware, a recommendation can be made under those
20 regulations by the secretary of the CDCR to the Superior Court..."

21 80. On or about July 31, 2023, following her discovery that the OCDA would not
22 consider requests for resentencing under AB2942 made by attorneys, Laura emailed respondent
23 requesting a full refund of the legal fees that she and Lish had paid respondent.

24
25 COUNT FOURTEEN
26 OCTC Case No. 23-O-20688
27 Rules of Professional Conduct, Rule 1.4(b)
[Failure to Communicate in Order to Permit Client to Make Informed Decisions]

28 81. Paragraphs 2 through 6 and 71 through 80 above are incorporated by reference.

1 82. Beginning on or about December 12, 2021, and continuing through on or about
2 July 31, 2023, in soliciting and accepting employment and the payment of fees from Lish and
3 Laura for the preparation of Lish's case review and the preparation and submission to the OCDA
4 of a request for resentencing relief under AB2942, respondent failed to communicate and explain
5 a matter to the extent reasonably necessary to permit Lish and Laura to make an informed
6 decision regarding representation by respondent, in willful violation of Rules of Professional
7 Conduct, rule 1.4(b), by failing to inform Lish and Laura of the following:

8 a. the OCDA would only consider or act upon requests for resentencing
9 under AB2942 that it received from the CDCR;

10 b. respondent had received at least eight letters from the OCDA putting him
11 on notice that the OCDA did not consider resentencing requests from individuals or attorneys
12 and only considered requests it received from CDCR;

13 c. respondent had not successfully obtained resentencing relief on behalf of
14 any individual under AB2942; and

15 d. based upon all of the above, Lish's employment of respondent was
16 unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA.

17
18 COUNT FIFTEEN
19 OCTC Case No. 23-O-20688
20 Rules of Professional Conduct, Rule 2.1
 [Failure to Render Candid Advice]

21 83. Paragraphs 2 through 6 and 71 through 80 above are incorporated by reference.

22 84. Beginning on or about December 12, 2021, and continuing through on or about
23 July 31, 2023, in representing Lish, respondent failed to render candid advice to Lish, in willful
24 violation of Rules of Professional Conduct, rule 2.1, by failing to inform Lish and Laura of the
25 following:

26 a. The OCDA would only consider or act upon requests for resentencing
27 under AB2942 that it received from the CDCR;

28 ///

b. Respondent had received at least eight letters from the OCDA putting him on notice that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR;

c. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

d. based upon all of the above, Lish's employment of respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA.

COUNT SIXTEEN
OCTC Case No. 23-O-20688
Rules of Professional Conduct, Rule 7.1(a)
[Misleading Communications Concerning Lawyer's Services]

85. Paragraphs 2 through 6 and 71 through 80 above are incorporated by reference.

86. Beginning on or about December 12, 2021, and continuing through on or about July 31, 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent made and caused to be made to Lish and Laura communications about legal services for which respondent sought and obtained payment that were misleading in that, to encourage a false impression that respondent would be able to achieve meaningful benefit for Lish under AB2942 if Lish and Laura employed respondent, the communications omitted the following facts necessary to make the communications considered as a whole not materially misleading:

a. the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR;

b. respondent had received at least eight letters from the OCDA putting him on notice that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR;

c. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

d. based upon all of the above, Lish's employment of respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA.

COUNT SEVENTEEN
OCTC Case No. 23-O-20688
Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

87. Paragraphs 2 through 6 and 71 through 80 above are incorporated by reference.

88. On or about February 18, 2022, in willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent entered into an agreement for, charged, and collected a fee of \$28,500 from Laura and Lish to perform legal services on behalf of Lish, which fee included was between \$11,700 and \$14,700 to pay respondent to prepare and submit a request for relief under AB2942 to the OCDA, which portion of the fee was unconscionable based on all the facts and circumstances existing during the time respondent represented Lish, including in particular but not limited to, the following:

- a. respondent's failure to disclose to Stringer and Abram the following material facts:
 - i. the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR;
 - ii. respondent had received at least eight letters from the OCDA putting him on notice that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR;
 - iii. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and
 - iv. based upon the above, Lish's employment of respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA.
- b. the fee lacked Laura and Lish's informed consent;
- c. the fee was disproportionate to the value of the legal services respondent provided;

///

- 1 d. the fee was the product of respondent taking unfair advantage of his
2 superior position over Laura and Lish; and
3 e. the legal services did not result in any meaningful benefit to Lish.
4

5 COUNT EIGHTEEN
6 OCTC Case Nos. 22-O-14419, 23-O-13011, 23-O-19035 & 23-O-20688
7 Business and Professions Code section 6106
8 [Moral Turpitude]

8 89. Paragraphs 2 through 6, 27 through 42, 54 through 62, and 71 through 80 above
9 are incorporated by reference.

10 90. Beginning on or about February 17, 2021, and continuing through on or about
11 July 31, 2023, respondent intentionally and dishonestly sought and obtained legal fees from
12 Holley, Holmes, Abram, Stringer, Wynne, Poe, Laura, and Lish without regard to whether the
13 legal services he marketed to those individuals would be of any meaningful benefit to Holmes,
14 Stringer, Poe or Lish, and intentionally and dishonestly placed his personal interest in obtaining
15 legal fees over the interests of his clients. In so doing, respondent committed acts of moral
16 turpitude, dishonesty, and corruption in willful violation of Business and Professions Code
17 section 6106.

18 91. A violation of section 6106 may result from intentional conduct or grossly
19 negligent conduct. Respondent is charged with intentionally committing acts of moral turpitude,
20 dishonesty, and corruption in violation of section 6106. However, should the evidence at trial
21 demonstrate that respondent's misconduct resulted from gross negligence, respondent must still
22 be found culpable of violating section 6106 because the commission of acts of moral turpitude,
23 dishonesty, and corruption due to gross negligence is a lesser included offense of intentionally
24 committing acts of moral turpitude, dishonesty, and corruption.
25

26 **NOTICE - INACTIVE ENROLLMENT!**

27 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
28 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL

1 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
2 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
3 **INACTIVE ATTORNEY OF THE STATE BAR. YOUR INACTIVE**
4 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
5 **RECOMMENDED BY THE COURT.**

6 **NOTICE - COST ASSESSMENT!**

7 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
8 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
9 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
10 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
11 **PROFESSIONS CODE SECTION 6086.10.**


12 **NOTICE – MONETARY SANCTION!**

13 **IN THE EVENT THIS MATTER RESULTS IN ACTUAL SUSPENSION,**
14 **DISBARMENT, OR RESIGNATION WITH CHARGES PENDING, YOU**
15 **MAY BE SUBJECT TO THE PAYMENT OF A MONETARY SANCTION**
16 **NOT TO EXCEED \$5,000 FOR EACH VIOLATION, TO A MAXIMUM**
17 **OF \$50,000 PER DISCIPLINARY ORDER, PURSUANT TO BUSINESS**
18 **AND PROFESSIONS CODE SECTION 6086.13. SEE RULE 5.137, RULES**
19 **OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

20 Respectfully submitted,

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

23 DATED: August 26, 2024

24 By: 
25 Gail Mullikin
26 Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): SBC-24-O-30656 (OCTC Case Nos. 22-O-14419, 23-O-13011, 23-O-19035, 23-O-20688)

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6 and Rules of Proc. of State Bar, rule 5.26.2)

Based on rule 5.26.2, a court order, or an agreement of the parties to accept service by electronic transmission, I caused the above-named document(s) to be transmitted by electronic means to the person(s) at the electronic address(es) listed below. If there is a signature on the document(s), I am the signer of the document(s), I am the agent of, or I am serving the document(s) at the direction of, the signer of the document(s). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: **9414 7266 9904 2199 6821 16** at Los Angeles, addressed to: *(see below)*



(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: _____ addressed to: *(see below)*

Person Served	Business Address	Fax Number	Courtesy Copy to:
AARON SPOLIN <i>(Respondent)</i>	Spolin & Dukes, P.C. 11500 W. Olympic Blvd., Ste. 400 Los Angeles, CA 90064-1525 (Certified Mail/RRR)		
		Electronic Address	
Person Served	Business Address	Fax Number	Courtesy Copy to:
ERIN M. JOYCE <i>(Counsel for Respondent)</i>			Erin Joyce Law 117 E. Colorado Blvd., Ste. 465 Pasadena, CA 91105-3731 (First Class Mail)
		Electronic Address	
Person Served	Business Address	Fax Number	Courtesy Copy to:
RICHARD D. KAPLAN NINA MARINO <i>(Counsel for Respondent)</i>			Kaplan Marino, APC 1546 N. Fairfax Avenue Los Angeles, CA 90046-2608 (First Class Mail)
		Electronic Address	



via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

DATED: August 26, 2024

SIGNED:


Kelli P. López Beighle
Declarant



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

ATTEST December 5, 2025

State Bar Court, State Bar of California,
Los Angeles

By
Clerk

Daniel Onthaw

Public Matter

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
GEORGE S. CARDONA, No. 135439
CHIEF TRIAL COUNSEL
CHRISTOPHER G. JAGARD, No. 191147
DEPUTY CHIEF TRIAL COUNSEL
KEVIN B. TAYLOR, No. 151715
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FILED *J.H.*

11/14/2024

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

THE STATE BAR COURT

HEARING DEPARTMENT – LOS ANGELES

In the Matter of:	)	Case No. SBC-24-O-30844
)	
AARON SPOLIN,	)	NOTICE OF DISCIPLINARY CHARGES
State Bar No. 310379,	)	(OCTC Case Nos. 23-O-15672, 23-O-16130,
	)	23-O-23496 and 24-O-14431)
An Attorney of the State Bar.)	

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE; AND**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT AND MAY
RECOMMEND THE IMPOSITION OF MONETARY SANCTIONS
WITHOUT FURTHER HEARING OR PROCEEDING. (SEE RULES
PROC. OF STATE BAR, RULES 5.80 ET SEQ. & 5.137.)**

///

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Aaron Spolin (“respondent”) was admitted to the practice of law in the State of
4 California on June 23, 2016. Respondent currently is, and at all times relevant to these charges
5 was, a licensed attorney of the State Bar of California.

6 GENERAL BACKGROUND

7 2. California Assembly Bill 2942 (“AB2942”) was passed into law in 2018 and
8 effectively amended section 1170(d)(1) of the California Penal Code to allow the court to recall
9 and resentence a defendant upon the recommendation of the district attorney of the county in
10 which the defendant was sentenced. Prior to passage of AB2942, section 1170(d)(1) authorized
11 the court to recall a sentence and impose a lesser sentence only upon the recommendation of the
12 Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings in
13 the case of state prison inmates, or the county correctional administrator in the case of county jail
14 inmates.

15 3. After the amendment of section 1170(d)(1) of the California Penal Code by
16 AB2942, respondent charged clients for case reviews regarding post-conviction relief, after such
17 reviews recommended to clients and charged clients for the preparation and submission to
18 prosecutors of letters and other documents requesting resentencing pursuant to amended section
19 1170(d)(1). In particular, respondent recommended to clients and charged clients for the
20 preparation and submission to the Los Angeles District Attorney’s Office (“LADA”) of multiple
21 letters and other documents requesting resentencing pursuant to amended section 1170(d)(1).

22 4. Between February 2021 and April of 2021, respondent received no fewer than
23 nine letters from the LADA in which the LADA advised respondent that resentencing requests
24 made on behalf of criminal defendants pursuant to AB2942 would not be acted upon because the
25 LADA was in the process of establishing its own “new unit” to evaluate cases for resentencing.
26 The letters advised respondent that the LADA was prioritizing cases for review under the law.
27 The letters further advised respondent to consult the LADA website, which provided
28 information, including answers to frequently asked questions (“FAQs”), regarding the types of

1 cases and convictions that were being prioritized for review. The letters advised respondent that
2 “there was no need to take any action to be considered for resentencing, other than to check the
3 website for updates.”

4 5. As of no later than February 2021, the LADA website identified the “priority
5 criteria” the LADA used to consider a case for resentencing under AB2942. The website stated
6 that adults whose cases fit all of the following criteria would be prioritized for review: (1) age 50
7 and older; (2) sentenced to 20 years or more; (3) served a minimum of ten years in custody; (4)
8 serving a sentence for a non-serious or non-violent felony [serious and violent felonies are
9 defined in Penal Code section 1192.7(c) and Penal Code section 667.5(c)]; (5) has not suffered a
10 prior conviction for a “super strike,” as defined in Penal Code section 667(e)(2)(c)(IV); and (6) is
11 not a sex offender registrant. The LADA website specifically stated in its FAQs section that the
12 LADA “cannot accept calls, emails, letters, or other submissions regarding individual cases” and
13 that “a lawyer cannot initiate or accelerate the review process for an individual case.”

14 6. The at least nine letters respondent received from the LADA between February
15 2021 and April 2021 placed respondent on notice that applications for relief pursuant to AB2942
16 presented to the LADA on behalf of criminal defendants were unnecessary and would not
17 meaningfully affect the criminal defendant’s sentence.

18 BACKGROUND FACTS ON OCTC CASE NO. 23-O-15672

19 7. On or about June 13, 2005, Joel Robinson (“Robinson”), defendant in the criminal
20 matter *People of the State of California v. Joel Deandre Robinson*, Case No. BA274025, Los
21 Angeles County Superior Court, was sentenced to 28 years, for felony convictions of shooting at
22 an occupied vehicle, two counts of assault with a firearm, unlawful possession of a firearm, and
23 carrying a concealed weapon, with enhancements including those related to gang activities.

24 8. In or about December 2020, Robinson and his wife, Anne Gonzales (“Gonzales”)
25 hired respondent, on Robinson’s behalf, to conduct a case review of Robinson’s legal options
26 regarding post-conviction relief. The case review did not include drafting, submitting, or filing
27 any requests for post-conviction relief. Robinson and Gonzales paid respondent \$3,000 for the
28 case review in December 2020.

1 9. Robinson, who had been convicted of a serious felony, did not meet the “priority
2 criteria” published by the LADA on its website no later than February 2021 and used by it to
3 consider a case for resentencing under AB2942.

4 10. In respondent’s written case review for Robinson, which was sent to Robinson on
5 or about February 16, 2021, respondent stated that he “strongly recommended” that Robinson
6 pursue resentencing under AB2942. The case review did not inform Robinson that based on
7 Robinson’s serious felony conviction, Robinson fell outside the “priority criteria” applied by the
8 LADA in determining which, if any, cases it would consider for resentencing under AB2942.
9 The case review also did not inform Robinson that respondent had previously received letters
10 from the LADA informing him that there was no need for any person seeking resentencing to
11 take any action to be considered for resentencing, other than to check the LADA website for
12 updates. Nor did the case review inform Robinson that the LADA website indicated that the
13 LADA was not accepting calls, emails, letters, or other submissions regarding individual cases
14 seeking relief under AB2942.

15 11. On or about March 12, 2021, Robinson and Gonzales hired respondent to
16 represent Robinson in submitting to the LADA a request for resentencing under AB2942.
17 Respondent charged Robinson and Gonzales \$14,800 for the legal service, including a credit of
18 \$3,000 for the legal fee they had paid for the case review. Robinson and Gonzales paid
19 respondent the additional \$11,800 between on or about March 12, 2021, and in or about June
20 2021.

21 12. During the time respondent represented Robinson, neither respondent nor anyone
22 else from respondent’s law firm informed either Robinson or Gonzales of any of the following:
23 (a) based on Robinson’s serious felony conviction, Robinson fell outside the “priority criteria”
24 applied by the LADA in determining which, if any, cases it would consider for resentencing
25 under AB2942; (b) respondent had previously received numerous letters from the LADA
26 informing him that there was no need for any person seeking resentencing to take any action to
27 be considered for resentencing, other than to check the LADA website for updates; or (c) the

28 ///

1 LADA website indicated that the LADA was not accepting calls, emails, letters, or other
2 submissions regarding individual cases seeking relief under AB2942.

3 13. On or about September 24, 2021, respondent submitted to the LADA a request for
4 resentencing under AB2942 on Robinson's behalf. On or about November 14, 2022, the LADA
5 advised respondent, in writing, that Robinson's request for resentencing had been denied because
6 Robinson did not meet the LADA's priority criteria for resentencing under AB2942. On or
7 about February 1, 2023, respondent submitted to the LADA an additional request for
8 resentencing under AB2942 on Robinson's behalf. Thereafter, in or about February 2023,
9 respondent sent an e-mail message to Robinson and Gonzales advising them that the LADA had
10 denied Robison's request for resentencing under AB2942.

11 COUNT ONE
12 OCTC Case No. 23-O-15672
13 Rules of Professional Conduct, Rule 1.4(b)
[Failure to Communicate in Order to Permit Client to Make Informed Decisions]

14 14. Paragraphs 2 through 13 above are incorporated by reference.

15 15. Beginning in or about December 2020, and continuing through February 2023, in
16 soliciting and accepting employment and the payment of fees from Robinson and Gonzales for
17 the preparation of Robinson's case review and the preparation and submission to the LADA of a
18 request for resentencing relief under AB2942, respondent failed to communicate and explain a
19 matter to the extent reasonably necessary to permit Robinson and Gonzales to make an informed
20 decision regarding representation by respondent, in willful violation of Rules of Professional
21 Conduct, rule 1.4(b), by failing to inform Robinson and Gonzales of the following:

22 a. Robinson's case did not fall within the "priority criteria" the LADA
23 applied in its consideration of AB2942 resentencing matters;

24 b. respondent had been given notice by the LADA that there was no need for
25 criminal defendants to take any action to be considered for resentencing and that the LADA
26 would independently identify the cases it would prioritize for resentencing consideration under
27 AB2942;

28 ///

1 c. the LADA website specifically stated that the LADA was not accepting
2 calls, emails, letters, or other submissions regarding individual cases seeking relief under
3 AB2942;

4 d. respondent had not successfully obtained resentencing relief on behalf of
5 any individual under AB2942; and

6 e. based upon all of the above, Robinson's employment of respondent was
7 unlikely to result in Robinson obtaining meaningful relief under AB2942 from the LADA.

8 COUNT TWO
9 OCTC Case No. 23-O-15672
10 Rules of Professional Conduct, Rule 2.1
[Failure to Render Candid Advice]

11 16. Paragraphs 2 through 13 above are incorporated by reference.

12 17. Beginning in or about December 2020, and continuing through February 2023, in
13 representing Robinson, respondent failed to render candid advice to Robinson, in willful
14 violation of Rules of Professional Conduct, rule 2.1, by failing to inform Robinson and Gonzales
15 of the following:

16 a. Robinson's case did not fall within the "priority criteria" the LADA
17 applied in its consideration of AB2942 resentencing matters;

18 b. respondent had been given notice by the LADA that there was no need for
19 criminal defendants to take any action to be considered for resentencing and that the LADA
20 would independently identify the cases it would prioritize for resentencing consideration under
21 AB2942;

22 c. the LADA website specifically stated that the LADA was not accepting
23 calls, emails, letters, or other submissions regarding individual cases seeking relief under
24 AB2942;

25 d. respondent had not successfully obtained resentencing relief on behalf of
26 any individual under AB2942; and

27 e. based upon all of the above, Robinson's employment of respondent was
28 unlikely to result in Robinson obtaining meaningful relief under AB2942 from the LADA.

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COUNT THREE
OCTC Case No. 23-O-15672
Rules of Professional Conduct, Rule 7.1(a)
[Misleading Communications Concerning Lawyer's Services]

18. Paragraphs 2 through 13 above are incorporated by reference.

19. Beginning in or about December 2020, and continuing through February 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent made and caused to be made to Robinson and Gonzales communications about legal services for which respondent sought and obtained payment that were misleading in that, to encourage a false impression that respondent would be able to achieve meaningful benefit for Robinson under AB2942 if Robinson and Gonzales employed respondent, the communications omitted the following facts necessary to make the communications considered as a whole not materially misleading:

a. Robinson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

b. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

c. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

d. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

e. based upon all of the above, Robinson's employment of respondent was unlikely to result in Robinson obtaining meaningful relief under AB2942 from the LADA.

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COUNT FOUR
OCTC Case No. 23-O-15672
Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

20. Paragraphs 2 through 13 above are incorporated by reference.

1 21. Beginning in or about December 2020, and continuing through February 2023, in
2 willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent entered into an
3 agreement for, charged, and collected a fee of \$14,800 from Robinson and Gonzales to perform
4 legal services on behalf of Robinson, namely to prepare a case review and prepare and submit a
5 request for relief under AB2942 to the LADA, which was unconscionable based on all the facts
6 and circumstances existing during the time respondent represented Robinson, including in
7 particular but not limited to the following:

8 a. respondent's failure to disclose to Robinson and Gonzales the following
9 material facts:

- 10 i. Robinson did not fall within the "priority criteria" the LADA
11 applied in its consideration of AB2942 resentencing matters;
- 12 ii. respondent had been given notice by the LADA that there was no
13 need for criminal defendants to take any action to be considered
14 for resentencing and that the LADA would independently identify
15 the cases it would prioritize for resentencing consideration under
16 AB2942;
- 17 iii. the LADA website specifically stated that the LADA was not
18 accepting calls, emails, letters, or other submissions regarding
19 individual cases seeking relief under AB2942;
- 20 iv. respondent had not successfully obtained resentencing relief on
21 behalf of any individual under AB2942; and
- 22 v. based upon the above, Robinson's employment of respondent was
23 unlikely to result in Robinson obtaining meaningful relief under
24 AB2942 from the LADA;

25 b. the fee lacked Robinson and Gonzales's informed consent;

26 c. the fee was disproportionate to the value of the legal services respondent
27 provided;

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1 d. the fee was the product of respondent taking unfair advantage of his
2 superior position over Robinson and Gonzales; and

3 e. the legal services did not result in any meaningful benefit to Robinson.

4 BACKGROUND FACTS ON OCTC CASE NO. 23-O-16130

5 22. On or about February 6, 2004, Wesner Charles, Jr. (“Charles”), defendant in the
6 criminal matter *People of the State of California v. Wesner Charles, Jr.*, Case No. BA239064,
7 Los Angeles County Superior Court, was sentenced to 27 years, six months to life in prison for
8 felony convictions of attempted carjacking and robbery.

9 23. In or about January 2021, Charles and his sister, Stephanie Charles (“Stephanie”),
10 and his mother, Marie Charles (“Marie”), hired respondent, on Charles’s behalf, to conduct a
11 case review of Charles’s legal options regarding post-conviction relief. The case review did not
12 include drafting, submitting, or filing any requests for post-conviction relief. Charles, Stephanie,
13 and Maria paid respondent \$3,000 for the case review in January 2021.

14 24. Charles, who had been convicted of serious and violent felonies, did not meet the
15 “priority criteria” published by the LADA on its website and used by it to consider a case for
16 resentencing under AB2942.

17 25. In respondent’s written case review for Charles, which was sent to Charles on or
18 about March 2, 2021, respondent stated that he “strongly recommended” that Charles pursue
19 resentencing under AB2942. The case review did not inform Charles that based on Charles’s
20 violent and serious felony convictions, Charles fell outside the “priority criteria” applied by the
21 LADA in determining which, if any, cases it would consider for resentencing under AB2942.
22 The case review also did not inform Charles that respondent had previously received letters from
23 the LADA informing him that there was no need for any person seeking resentencing to take any
24 action to be considered for resentencing, other than to check the LADA website for updates. Nor
25 did the case review inform Charles that the LADA website indicated that the LADA was not
26 accepting calls, emails, letters, or other submissions regarding individual cases seeking relief
27 under AB2942.

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26. Thereafter, Charles requested that respondent meet with him. Respondent did not do so. Instead, Jeremy Cutcher (“Cutcher”), an attorney at respondent’s law firm, spoke with Charles. Cutcher told Charles that Charles should pursue relief under AB2942 because that will “get him out” in six to eight months, while a habeas petition would take longer.

27. During the time that respondent solicited and represented Charles, neither respondent nor Cutcher nor anyone else from respondent's firm informed Charles, Stephanie, or Marie of any of the following: (a) based on Charles's violent and serious felony convictions, Charles fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; (b) respondent had previously received numerous letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; or (c) the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

28. On or about March 5, 2021, Charles, Stephanie, and Marie hired respondent to represent Charles in submitting to the LADA a request for resentencing under AB2942 and to the California Governor an application for commutation of sentence. Respondent charged Charles and Stephanie \$19,000 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. At least \$8,000 of the additional \$16,000 fee was for the AB2942 application. Charles, Stephanie, and Marie paid respondent the additional \$16,000 between on or about March 12, 2021 and on or about September 15, 2021.

29. In or about October 2021, respondent submitted to the LADA a request for resentencing under AB2942 on Charles's behalf. On or about November 14, 2022, the LADA advised respondent that his recommendation for resentencing had been declined, citing to the fact that Charles did not meet the minimum requirements for resentencing consideration.

COUNT FIVE

OCTC Case No. 23-O-16130

Rules of Professional Conduct, Rule 1.4(b)

[Failure to Communicate in Order to Permit Client to Make Informed Decisions]

30. Paragraphs 2 through 6 and 22 through 29 above are incorporated by reference.

1 31. Beginning in or about January 2021, and continuing through November 2022, in
2 soliciting and accepting employment and the payment of fees from Charles, Stephanie, and
3 Marie, for the preparation of Charles’s case review and the preparation and submission to the
4 LADA of a request for resentencing relief under AB2942, respondent failed to communicate and
5 explain a matter to the extent reasonably necessary to permit Charles, Stephanie, and Marie to
6 make an informed decision regarding representation by respondent, in willful violation of Rules
7 of Professional Conduct, rule 1.4(b), by:

8 a. failing to inform Charles, Stephanie, and Marie of the following:

- 9 i. Charles’s case did not fall within the “priority criteria” the LADA
10 applied in its consideration of AB2942 resentencing matters;
11 ii. respondent had been given notice by the LADA that there was no need
12 for criminal defendants to take any action to be considered for
13 resentencing and that the LADA would independently identify the
14 cases it would prioritize for resentencing consideration under AB2942;
15 iii. the LADA website specifically stated that the LADA was not
16 accepting calls, emails, letters, or other submissions regarding
17 individual cases seeking relief under AB2942;
18 iv. respondent had not successfully obtained resentencing relief on behalf
19 of any individual under AB2942;
20 v. based upon all of the above, Charles’s employment of respondent was
21 unlikely to result in Charles obtaining meaningful relief under AB2942
22 from the LADA; and

23 b. advising Charles, through Cutcher, that Charles should pursue relief under
24 AB2942 before pursuing habeas relief, because that would “get him out” in six to eight months,
25 which advice was unreasonable and misleading based upon all of the above.

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COUNT SIX
OCTC Case No. 23-O-16130
Rules of Professional Conduct, Rule 2.1
[Failure to Render Candid Advice]

32. Paragraphs 2 through 6 and 22 through 29 above are incorporated by reference.

33. Beginning in or about January 2021, and continuing through November 2022, in representing Charles, respondent failed to render candid advice to Charles, in willful violation of Rules of Professional Conduct, rule 2.1, by:

a. failing to inform Charles, Stephanie, and Marie of the following:

i. Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

ii. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

iii. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

iv. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

v. based upon all of the above, Charles's employment of respondent was unlikely to result in Charles obtaining meaningful relief under AB2942 from the LADA.

b. failing to render candid advice to Charles in that Cutcher's statement that Charles should pursue relief under AB2942 because that will "get him out" in six to eight months was unreasonable and misleading based upon all of the above.

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COUNT SEVEN
OCTC Case No. 23-O-16130
Rules of Professional Conduct, Rule 7.1(a)
[Misleading Communications Concerning Lawyer's Services]

34. Paragraphs 2 through 6 and 22 through 29 above are incorporated by reference.

35. Beginning in or about January 2021, and continuing through November 2022, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent made and caused to be made to Charles, Stephanie, and Marie communications about legal services for which respondent sought and obtained payment that were misleading in that, to encourage a false impression that respondent would be able to achieve meaningful benefit for Charles under AB2942 if Charles, Stephanie, and Marie employed respondent, the communications:

a. omitted the following facts necessary to make the communications considered as a whole not materially misleading:

- i. Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;
- ii. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;
- iii. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;
- iv. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and
- v. based upon all of the above, Charles's employment of respondent was unlikely to result in Charles obtaining meaningful relief under AB2942 from the LADA;

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1 b. advised Charles, through Cutcher, that Charles should pursue relief under
2 AB2942 before pursuing habeas relief, because that would “get him out” in six to eight months,
3 which advice was unreasonable and misleading based upon all of the above.

4 COUNT EIGHT
5 OCTC Case No. 23-O-16130
6 Rules of Professional Conduct, Rule 1.5(a)
7 [Unconscionable Fee]

8 36. Paragraphs 2 through 6 and 22 through 29 above are incorporated by reference.

9 37. Beginning in or about January 2021, and continuing through November 2022, in
10 willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent entered into an
11 agreement for, charged, and collected a fee of \$19,000 from Charles, Stephanie, and Marie to
12 perform legal services on behalf of Charles, namely to prepare and submit a request for relief
13 under AB2942 to the LADA, and to prepare and submit the California Governor an application
14 for commutation of sentence to the California Governor, the portion of which fee attributable to
15 the AB2942 request, not less than \$11,000, was unconscionable based on all the facts and
16 circumstances existing during the time respondent represented Charles, including in particular
17 but not limited to the following:

18 a. respondent’s failure to disclose to Charles, Stephanie, and Marie the
19 following material facts:

- 20 i. Charles did not fall within the “priority criteria” the LADA applied in
21 its consideration of AB2942 resentencing matters;
22 ii. respondent had been given notice by the LADA that there was no need
23 for criminal defendants to take any action to be considered for
24 resentencing and that the LADA would independently identify the
25 cases it would prioritize for resentencing consideration under AB2942;
26 iii. the LADA website specifically stated that the LADA was not
27 accepting calls, emails, letters, or other submissions regarding
28 individual cases seeking relief under AB2942;

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- 1 iv. respondent had not successfully obtained resentencing relief on behalf
2 of any individual under AB2942; and
- 3 v. based upon the above, Charles’s employment of respondent was
4 unlikely to result in Charles obtaining meaningful relief under AB2942
5 from the LADA;
- 6 b. the fee lacked Charles, Stephanie, and Marie’s informed consent;
- 7 c. the fee was disproportionate to the value of the legal services respondent
8 provided;
- 9 d. the fee was the product of respondent taking unfair advantage of his
10 superior position over Charles, Stephanie, and Marie, including, but not limited to, Cutcher’s
11 representation that Charles should pursue relief under AB2942 before pursuing habeas relief,
12 because that would “get him out” in six to eight months, which advice was unreasonable and
13 misleading based on all of the above, and;
- 14 e. the legal services did not result in any meaningful benefit to Charles.

15 BACKGROUND FACTS ON OCTC CASE NO. 23-O-23496

16 38. On or about June 20, 2005, Bernardo Martinez (“Martinez”), defendant in the
17 criminal matter *People of the State of California v. Bernardo Martinez*, Case No. BA269182,
18 Los Angeles County Superior Court, was sentenced to 39 years and 4 months for convictions of
19 five counts of first degree robbery, one count of second degree robbery, one count of being a
20 felon in possession of a firearm, and one count of assault with a deadly weapon or by means of
21 force likely to produce great bodily injury. Further, the jury found that Martinez was armed with
22 a firearm during the commission of the robberies. Martinez was also found to have had a prior
23 juvenile adjudication that constituted as a strike under the Three Strikes Law (P.C. 667(b)-(i);
24 1170.12)

25 39. On or about April 27, 2022, Martinez’s wife, Tina Marie Martinez (“Tina”), hired
26 respondent, on Martinez’s behalf, to conduct a case review of Martinez’s legal options regarding
27 post-conviction relief. The case review did not include drafting, submitting, or filing any
28 requests for post-conviction relief. Prior to hiring respondent for the case review, Tina spoke

1 only with respondent's non-attorney case manager. Tina paid respondent \$3,000 for the case
2 review on or about May 20, 2022.

3 40. Martinez, who had been convicted of serious and violent felonies, did not meet
4 the "priority criteria" published by the LADA on its website and used by it to consider a case for
5 resentencing under AB2942.

6 41. In respondent's written case review for Martinez, which was sent to Martinez on
7 or about July 25, 2022, respondent stated that "a very compelling case" could be made that
8 Martinez should be resentenced under AB2942. Respondent stated in the case review that
9 Martinez had previously submitted an Application for Resentencing under AB2942, but
10 nonetheless recommended that Martinez retain counsel to file a supplemental application or a
11 new application. The case review did not inform Martinez that based on Martinez's violent and
12 serious felony convictions, Martinez fell outside the "priority criteria" applied by the LADA in
13 determining which, if any, cases it would consider for resentencing under AB2942. The case
14 review also did not inform Martinez that respondent had previously received at least nine letters
15 from the LADA between February 2021 and April 2021 informing him that there was no need
16 for any person seeking resentencing to take any action to be considered for resentencing, other
17 than to check the LADA website for updates. Nor did the case review inform Martinez that the
18 LADA website indicated that the LADA was not accepting calls, emails, letters, or other
19 submissions regarding individual cases seeking relief under AB2942.

20 42. On or about July 28, 2022, Jeremy Cutcher ("Cutcher"), an attorney at
21 respondent's law firm, spoke with Tina regarding the case review.

22 43. During the time that respondent solicited and represented Martinez, neither
23 respondent nor Cutcher nor anyone else from respondent's firm informed either Martinez or Tina
24 of any of the following: (a) based on Martinez's violent and serious felony convictions, Martinez
25 fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it
26 would consider for resentencing under AB2942; (b) respondent had previously received
27 numerous letters from the LADA informing him that there was no need for any person seeking
28 resentencing to take any action to be considered for resentencing, other than to check the LADA

1 website for updates; or (c) the LADA website indicated that the LADA was not accepting calls,
2 emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

3 44. On or about November 17, 2022, Martinez, with Tina as his representative, hired
4 respondent to represent Martinez in submitting to the LADA a request for resentencing under
5 AB2942. Respondent charged Martinez \$14,500 for the legal service, including a credit of
6 \$3,000 for the legal fee they had paid for the case review. Tina paid respondent the additional
7 \$11,500 between on or about November 21, 2022, and on or about February 27, 2023.

8 45. On or about July 21, 2023, before respondent submitted an AB2942 application
9 on behalf of Martinez, Tina sent an email to respondent and asked that they put all work on hold
10 and to issue a full refund after she independently discovered that Martinez did not qualify for
11 AB2942 relief. Respondent was terminated before ever submitting an AB2942 application on
12 behalf of Martinez. Between September 14, 2023, and January 9, 2024, respondent's firm
13 refunded Martinez and Tina the \$11,500 paid for the AB2942 application over the course of five
14 payments.

15 COUNT NINE

16 OCTC Case No. 23-O-23496

17 Rules of Professional Conduct, Rule 1.4(b)

18 [Failure to Communicate in Order to Permit Client to Make Informed Decisions]

19 46. Paragraphs 2 through 6 and 38 through 45 above are incorporated by reference.

20 47. Beginning on or about April 27, 2022, and continuing through on or about July
21 21, 2023, in soliciting and accepting employment and the payment of fees from Martinez and
22 Tina for the preparation of Martinez's case review and the preparation and submission to the
23 LADA of a request for resentencing relief under AB2942, respondent failed to communicate and
24 explain a matter to the extent reasonably necessary to permit Martinez and Tina to make an
25 informed decision regarding representation by respondent, in willful violation of Rules of
26 Professional Conduct, rule 1.4(b), by failing to inform Martinez and Tina of the following:

27 a. Martinez's case did not fall within the "priority criteria" the LADA
28 applied in its consideration of AB2942 resentencing matters;

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1 b. respondent had been given notice by the LADA that there was no need for
2 criminal defendants to take any action to be considered for resentencing and that the LADA
3 would independently identify the cases it would prioritize for resentencing consideration under
4 AB2942;

5 c. the LADA website specifically stated that the LADA was not accepting
6 calls, emails, letters, or other submissions regarding individual cases seeking relief under
7 AB2942;

8 d. respondent had not successfully obtained resentencing relief on behalf of
9 any individual under AB2942; and

10 e. based upon all of the above, Martinez's employment of respondent was
11 unlikely to result in Martinez obtaining meaningful relief under AB2942 from the LADA.

12 COUNT TEN
13 OCTC Case No. 23-O-23496
14 Rules of Professional Conduct, Rule 2.1
 [Failure to Render Candid Advice]

15 48. Paragraphs 2 through 6 and 38 through 45 above are incorporated by reference.

16 49. Beginning on or about April 27, 2022, and continuing through on or about July
17 21, 2023, in representing Martinez, respondent failed to render candid advice to Martinez, in
18 willful violation of Rules of Professional Conduct, rule 2.1, by failing to inform Martinez and
19 Tina of the following:

20 a. Martinez's case did not fall within the "priority criteria" the LADA
21 applied in its consideration of AB2942 resentencing matters;

22 b. respondent had been given notice by the LADA that there was no need for
23 criminal defendants to take any action to be considered for resentencing and that the LADA
24 would independently identify the cases it would prioritize for resentencing consideration under
25 AB2942;

26 c. the LADA website specifically stated that the LADA was not accepting
27 calls, emails, letters, or other submissions regarding individual cases seeking relief under
28 AB2942;

1 d. respondent had not successfully obtained resentencing relief on behalf of
2 any individual under AB2942; and

3 e. based upon all of the above, Martinez's employment of respondent was
4 unlikely to result in Martinez obtaining meaningful relief under AB2942 from the LADA.

5 COUNT ELEVEN
6 OCTC Case No. 23-O-23496
7 Rules of Professional Conduct, Rule 7.1(a)
8 [Misleading Communications Concerning Lawyer's Services]

8 50. Paragraphs 2 through 6 and 38 through 45 above are incorporated by reference.

9 51. Beginning on or about April 27, 2022, and continuing through on or about July
10 21, 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent made and
11 caused to be made to Martinez and Tina communications about legal services for which
12 respondent sought and obtained payment that were misleading in that, to encourage a false
13 impression that respondent would be able to achieve meaningful benefit for Martinez under
14 AB2942 if Martinez and Tina employed respondent, the communications omitted the following
15 facts necessary to make the communications considered as a whole not materially misleading:

16 a. Martinez's case did not fall within the "priority criteria" the LADA
17 applied in its consideration of AB2942 resentencing matters;

18 b. respondent had been given notice by the LADA that there was no need for
19 criminal defendants to take any action to be considered for resentencing and that the LADA
20 would independently identify the cases it would prioritize for resentencing consideration under
21 AB2942;

22 c. the LADA website specifically stated that the LADA was not accepting
23 calls, emails, letters, or other submissions regarding individual cases seeking relief under
24 AB2942;

25 d. respondent had not successfully obtained resentencing relief on behalf of
26 any individual under AB2942; and

27 e. based upon all of the above, Martinez's employment of respondent was
28 unlikely to result in Martinez obtaining meaningful relief under AB2942 from the LADA.

COUNT TWELVE
OCTC Case No. 23-O-23496
Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

52. Paragraphs 2 through 6 and 38 through 45 above are incorporated by reference.

53. Beginning on or about April 27, 2022, and continuing through on or about July 21, 2023, in willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent entered into an agreement for, charged, and collected a fee of \$14,500 from Martinez and Tina to perform legal services on behalf of Martinez, namely to prepare a case review and to prepare and submit a request for relief under AB2942 to the LADA, which fee was unconscionable based on all the facts and circumstances existing during the time respondent represented Martinez, including in particular but not limited to the following:

a. respondent's failure to disclose to Martinez and Tina the following material facts:

- i. Martinez did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;
- ii. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;
- iii. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;
- iv. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and
- v. based upon the above, Martinez's employment of respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942 from the LADA;

b. the fee lacked Martinez and Tina's informed consent;

1 c. the fee was disproportionate to the value of the legal services respondent
2 provided;

3 d. the fee was the product of respondent taking unfair advantage of his
4 superior position over Martinez and Tina; and

5 e. the legal services did not result in any meaningful benefit to Martinez.

6 BACKGROUND FACTS ON OCTC CASE NO. 24-O-14431

7 54. On or about February 24, 2004, Demetrius Johnson (“Johnson”), defendant in the
8 criminal matter *People of the State of California v. Demetrius Johnson et. al.*, Case No.
9 NA056412, Los Angeles County Superior Court, was sentenced to 41 years after Johnson was
10 found guilty of 18 counts of armed robbery with use of a firearm in each count.

11 55. On or about December 16, 2021, Johnson’s fiancé at the time and client
12 representative, Chimera Robinson (“Chimera”), hired respondent, on Johnson’s behalf, to
13 conduct a case review of Johnson’s legal options regarding post-conviction relief. The case
14 review did not include drafting, submitting, or filing any requests for post-conviction relief.
15 Prior to hiring respondent for the case review, Chimera communicated only with respondent’s
16 non-attorney employees. Johnson and Chimera paid respondent \$3,000 for the case review on or
17 about December 17, 2021.

18 56. Johnson, who had been convicted of serious and violent felonies, did not meet the
19 “priority criteria” published by the LADA on its website and used by it to consider a case for
20 resentencing under AB2942.

21 57. In respondent’s written case review for Johnson, which was emailed to Chimera
22 on or about February 28, 2022, respondent advised and recommended that Johnson seek
23 resentencing pursuant to AB2942. The case review did not inform Johnson or Chimera that
24 based on Johnson’s violent and serious felony convictions, Johnson fell outside the “priority
25 criteria” applied by the LADA in determining which, if any, cases it would consider for
26 resentencing under AB2942. The case review also did not inform Johnson or Chimera that
27 respondent had previously received at least nine letters from the LADA between February 2021
28 and April 2021 informing him that there was no need for any person seeking resentencing to take

1 any action to be considered for resentencing, other than to check the LADA website for updates.
2 The case review did not inform Johnson or Chimera that the LADA website indicated that the
3 LADA was not accepting calls, emails, letters, or other submissions regarding individual cases
4 seeking relief under AB2942.

5 58. On or about February 28, 2022, respondent spoke with Chimera regarding the
6 case review. Respondent quoted a legal fee of \$11,700 to \$14,700 to seek a commutation and an
7 additional \$11,700 to \$14,700 to pursue an AB2942 application.

8 59. During the time respondent solicited and represented Johnson, neither respondent
9 nor anyone at respondent's law firm informed Johnson or Chimera of any of the following: (a)
10 based on Johnson's violent and serious felony convictions, Johnson fell outside the "priority
11 criteria" applied by the LADA in determining which, if any, cases it would consider for
12 resentencing under AB2942; (b) respondent had previously received numerous letters from the
13 LADA informing him that there was no need for any person seeking resentencing to take any
14 action to be considered for resentencing, other than to check the LADA website for updates; or
15 (c) the LADA website indicated that the LADA was not accepting calls, emails, letters, or other
16 submissions regarding individual cases seeking relief under AB2942.

17 60. On or about March 1, 2022, Johnson and Chimera, as Johnson's representative,
18 hired respondent to represent Johnson in seeking post-conviction relief in the form of an
19 application for commutation and an application for resentencing under AB2942. Respondent
20 charged Johnson \$21,700 for the legal services, including a credit of \$3,000 for the legal fee
21 Johnson and Chimera had paid for Johnson's case review. Johnson and Chimera paid respondent
22 the additional \$18,700 on that same day.

23 61. On or about November 29, 2022, respondent submitted to the LADA a request for
24 resentencing pursuant to AB2942 on behalf of Johnson.

25 62. Respondent's representation of Johnson concluded in or about December 2023.
26 Johnson did not obtain resentencing relief, nor was his sentence commuted.

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63. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

a. Johnson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

c. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

e. based upon all of the above, Johnson's employment of respondent was unlikely to result in Johnson obtaining meaningful relief under AB2942 from the LADA.

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1 66. Beginning on or about December 16, 2021, and continuing through in or about
2 December 2023, in representing Johnson, respondent failed to render candid advice to Johnson,
3 in willful violation of Rules of Professional Conduct, rule 2.1, by failing to inform Johnson and
4 Chimera of the following:

5 a. Johnson’s case did not fall within the “priority criteria” the LADA applied
6 in its consideration of AB2942 resentencing matters;

7 b. respondent had been given notice by the LADA that there was no need for
8 criminal defendants to take any action to be considered for resentencing and that the LADA
9 would independently identify the cases it would prioritize for resentencing consideration under
10 AB2942;

11 c. the LADA website specifically stated that the LADA was not accepting
12 calls, emails, letters, or other submissions regarding individual cases seeking relief under
13 AB2942;

14 d. respondent had not successfully obtained resentencing relief on behalf of
15 any individual under AB2942; and

16 e. based upon all of the above, Johnson’s employment of respondent was
17 unlikely to result in Johnson obtaining meaningful relief under AB2942 from the LADA.

18 COUNT FIFTEEN
19 OCTC Case No. 24-O-14431
20 Rules of Professional Conduct, Rule 7.1(a)
 [Misleading Communications Concerning Lawyer’s Services]

21 67. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

22 68. Beginning on or about December 16, 2021, and continuing through in or about
23 December 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent
24 made and caused to be made to Johnson and Chimera communications about legal services for
25 which respondent sought and obtained payment that were misleading in that, to encourage a false
26 impression that respondent would be able to achieve meaningful benefit for Johnson under
27 AB2942 if Johnson and Chimera employed respondent, the communications omitted the

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1 following facts necessary to make the communications considered as a whole not materially
2 misleading:

3 a. Johnson's case did not fall within the "priority criteria" the LADA applied
4 in its consideration of AB2942 resentencing matters;

5 b. respondent had been given notice by the LADA that there was no need for
6 criminal defendants to take any action to be considered for resentencing and that the LADA
7 would independently identify the cases it would prioritize for resentencing consideration under
8 AB2942;

9 c. the LADA website specifically stated that the LADA was not accepting
10 calls, emails, letters, or other submissions regarding individual cases seeking relief under
11 AB2942;

12 d. respondent had not successfully obtained resentencing relief on behalf of
13 any individual under AB2942; and

14 e. based upon all of the above, Johnson's employment of respondent was
15 unlikely to result in Johnson obtaining meaningful relief under AB2942 from the LADA.

16 COUNT SIXTEEN
17 OCTC Case No. 24-O-14431
18 Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

19 69. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

20 70. Beginning on or about December 16, 2021, and continuing through in or about
21 December 2023, in willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent
22 entered into an agreement for, charged, and collected a fee of \$21,700 from Johnson and
23 Chimera to represent Johnson in preparing and submitting a request for relief under AB2942 to
24 the LADA, and preparing and submitting an application for commutation of sentence to the
25 California Governor, the portion of which fee attributable to the AB2942 request, not less
26 than \$12,350, was unconscionable based on all the facts and circumstances existing during the
27 time respondent represented Johnson, including in particular but not limited to the following:

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1 a. respondent's failure to disclose to Johnson and Chimera the following
2 material facts:

- 3 i. Johnson did not fall within the "priority criteria" the LADA applied in
4 its consideration of AB2942 resentencing matters;
5 ii. respondent had been given notice by the LADA that there was no need
6 for criminal defendants to take any action to be considered for
7 resentencing and that the LADA would independently identify the
8 cases it would prioritize for resentencing consideration under AB2942;
9 iii. the LADA website specifically stated that the LADA was not
10 accepting calls, emails, letters, or other submissions regarding
11 individual cases seeking relief under AB2942;
12 iv. respondent had not successfully obtained resentencing relief on behalf
13 of any individual under AB2942; and
14 v. based upon the above, Johnson's employment of respondent was
15 unlikely to result in Johnson obtaining meaningful relief under
16 AB2942 from the LADA;
17 b. the fee lacked Johnson and Chimera's informed consent;
18 c. the fee was disproportionate to the value of the legal services respondent
19 provided;
20 d. the fee was the product of respondent taking unfair advantage of his
21 superior position over Johnson and Chimera; and
22 e. the legal services did not result in any meaningful benefit to Johnson.

23 COUNT SEVENTEEN

24 Case No. 24-O-14431

25 Rules of Professional Conduct, Rule 7.1(a)

[Misleading Communications Concerning Lawyer's Services]

26 71. Paragraphs 2 through 6 above are incorporated by reference.

27 72. Beginning on or about July 14, 2020, and continuing through on or about May 9,
28 2023, respondent published on his firm's website – www.spolinlaw.com – an announcement

entitled "GOVERNOR PUBLICLY ANNOUNCES COMMUTATION OF SENTENCE FOR SPOLIN LAW CLIENT," and stated in the first sentence, "California Governor Gavin Newsom has announced the commutation (reduction) of sentence for a Spolin Law client who was previously serving a life sentence without the possibility of parole." Respondent, however, omitted the material fact that neither respondent nor anyone at his law firm filed the application for commutation on behalf of J.H., and that J.H. obtained the commutation on his own behalf by submitting the application for commutation in *pro per*, prior to hiring respondent's law firm. Thus, respondent made a communication to the public about his legal services on his website that omitted facts necessary to make the communication considered as a whole not materially misleading in violation of Rules of Professional Conduct, rule 7.1(a).

COUNT EIGHTEEN

Case Nos. 23-O-15672, 23-O-16130, 23-O-23496, and 24-O-14431
Business and Professions Code section 6106
[Moral Turpitude]

73. Paragraphs 2 through 13, 22 through 29, 38 through 45, 54 through 62 and 72 above are incorporated by reference as though fully set forth in this count.

74. Beginning in or about December 2020, and continuing through in or about December 2023, respondent intentionally and dishonestly sought and obtained legal fees from Robinson, Gonzales, Charles, Stephanie, Marie, Martinez, Tina, Johnson and Chimera without regard to whether the legal services he marketed to those individuals would be of any meaningful benefit to Robinson, Charles, Martinez or Johnson, and intentionally and dishonestly placed his personal interest in obtaining legal fees over the interests of his clients. In so doing, respondent committed acts of moral turpitude, dishonesty, and corruption in willful violation of Business and Professions Code section 6106.

75. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with intentionally committing acts of moral turpitude, dishonesty, and corruption in violation of section 6106. However, should the evidence at trial demonstrate that respondent's misconduct resulted from gross negligence, respondent must still be found culpable of violating section 6106 because the commission of acts of moral turpitude,

1 dishonesty, and corruption due to gross negligence is a lesser included offense of intentionally
2 committing acts of moral turpitude, dishonesty, and corruption.

3 **NOTICE - INACTIVE ENROLLMENT!**

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

12 **NOTICE - COST ASSESSMENT!**

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

18 **NOTICE – MONETARY SANCTION!**

19 **IN THE EVENT THIS MATTER RESULTS IN ACTUAL SUSPENSION,**
20 **DISBARMENT, OR RESIGNATION WITH CHARGES PENDING, YOU**
21 **MAY BE SUBJECT TO THE PAYMENT OF A MONETARY SANCTION**
22 **NOT TO EXCEED \$5,000 FOR EACH VIOLATION, TO A MAXIMUM**
23 **OF \$50,000 PER DISCIPLINARY ORDER, PURSUANT TO BUSINESS**
24 **AND PROFESSIONS CODE SECTION 6086.13. SEE RULE 5.137, RULES**
25 **OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

26 Respectfully submitted,

27 THE STATE BAR OF CALIFORNIA
28 OFFICE OF CHIEF TRIAL COUNSEL

DATED: November 14, 2024

By: _____



Cindy Chang
Supervising Attorney

DECLARATION OF SERVICE

CASE NUMBER(s): SBC-24-O-30844 (OCTC Case Nos. 23-O-15672; 23-O-16130; 23-O-23496; 24-O-14431)

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, Sandra.bird@calbar.ca.gov, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6 and Rules of Proc. of State Bar, rule 5.26.2)

Based on rule 5.26.2, a court order, or an agreement of the parties to accept service by electronic transmission, I caused the above-named document(s) to be transmitted by electronic means to the person(s) at the electronic address(es) listed below. If there is a signature on the document(s), I am the signer of the document(s), I am the agent of, or I am serving the document(s) at the direction of, the signer of the document(s). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article **9414 7266 9904 2199 6822 53** at Los Angeles, addressed to: *(see below)*

No.: _____



(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking _____ addressed to: *(see below)*

No.: _____

Person Served	Business Address	Fax Number	Courtesy Copy to:
AARON SPOLIN (Respondent)	Spolin & Dukes, P.C. 11500 W. Olympic Blvd., Ste. 400 Los Angeles, CA 90064-1525 (Certified Mail/RRR)		
		Electronic Address	
		aspolin@gmail.com	
Person Served	Business Address	Fax Number	Courtesy Copy to:
ERIN M. JOYCE (Counsel for Respondent)			Erin Joyce Law 117 E. Colorado Blvd., Ste. 465 Pasadena, CA 91105-3731 (First Class Mail)
		Electronic Address	
		erin@erinjoycelaw.com	
Person Served	Business Address	Fax Number	Courtesy Copy to::
RICHARD D. KAPLAN NINA MARINO (Counsel for Respondent)			Richard D. Kaplan Nina Marino Kaplan Marino, APC 1546 N. Fairfax Avenue Los Angeles, CA 90046-2608 (First Class Mail)
		Electronic Address	
		kaplan@kaplanmarino.com marino@kaplanmarino.com	

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

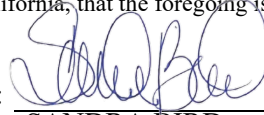
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

DATED: November 14, 2024

SIGNED:



SANDRA BIRD
Declarant



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

ATTEST December 5, 2025


State Bar Court, State Bar of California,
Los Angeles

By
Clerk

Daniel Onthaw

Public Matter

(Do not write above this line)

<p align="center">State Bar Court of California HEARING DEPARTMENT LOS ANGELES DISBARMENT</p>		
<p>Counsel for the State Bar</p> <p>Cindy Chan Supervising Attorney 845 South Figueroa Avenue Los Angeles, CA 90017 (213) 765-1292</p> <p>State Bar # 247495</p>	<p>Case Number(s): SBC-24-O-30656-DGS; SBC-24-O-30844-DGS (Cons.)</p>	<p>For Court use only</p> <p align="center">FILED  06/17/2025 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent</p> <p>Erin Joyce, Esq. 117 East Colorado Blvd, Suite 465 Pasadena, CA 91105 (626) 314-9050</p> <p>State Bar # 149946</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW, AND DISPOSITION</p> <p>ORDER APPROVING STIPULATION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT (to be attached by court clerk upon State Bar Court approval of stipulation)</p> <p>DISBARMENT</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:</p> <p>AARON SPOLIN</p> <p>State Bar # 310379</p> <p>(Respondent)</p>		

Note: All information required by this form shall be included in the spaces provided below, unless an attachment is specifically required by the form. A full list of stipulation forms can be found [here](#).

A. Parties' Acknowledgments:

- (1) Respondent is an attorney licensed by the State Bar of California, admitted **June 23, 2016**.
- (2) Proposed stipulations for disposition are not binding on the Supreme Court. The parties agree to be bound by the factual stipulations set forth in **section C**, below, even if the conclusions of law or stipulated disposition are rejected by the State Bar Court or 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.
- (4) The stipulation, including all attachments, consists of **30** pages, not including the proof of service.



(Do not write above this line)

- (5) The stipulation contains a statement, included in **section B**, below, that the Respondent either:
 - (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
 - (b) pleads nolo contendere to those facts and misconduct.
- (6) The stipulation contains a statement of facts in **section C**, below, supporting the acts or omissions acknowledged by Respondent as cause for discipline.
- (7) Conclusions of law, drawn from and specifically referring to the facts set forth in **section C** are included in **section D**, below.
- (8) Dismissed charge(s)/count(s) are also included in **section D**, below.
- (9) Aggravating and mitigating circumstances are included in **sections E and F**, below. An authenticated copy of any prior record of discipline, as specified in Hearing Department [General Order 17-07](#) filed October 19, 2017, must be attached.
- (10) Supporting authority for the recommended level of discipline is included in **section G**, below.
- (11) No more than 30 days prior to the submission of this stipulation to the State Bar Court, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for any law enforcement agencies' criminal investigations.
- (12) Any stipulation submitted in a proceeding pursuant to Business and Professions Code section 6049.1 must also attach supporting documents, as specified in Hearing Department [General Order 17-07](#) filed October 19, 2017.
- (13) The parties waive any variance/discrepancy between any Notice of Disciplinary Charges filed in this matter and the factual statements and conclusions of law set forth in this stipulation.
- (14) Any monetary requirements imposed in this matter shall be considered satisfied or waived when authorized by applicable law or orders of any court.
- (15) **Order of Inactive Enrollment.** The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).
- (16) Upon State Bar Court approval of this stipulation, the court clerk will file the stipulation with the Order Approving Stipulation and Order of Involuntary Inactive Enrollment attached.
- (17) **Additional Acknowledgements by the Parties:**

[Click or tap here to enter text.](#)

B. Plea Statement:

- (1) ☐ **Respondent Admits Culpability**
Respondent admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (2) ☒ **Respondent Pleads Nolo Contendere**

(Do not write above this line)

Respondent pleads nolo contendere to the facts comprising the stipulation and culpability for misconduct.

- As set forth in the **separate attachment entitled [Nolo Contendere Plea](#)**, the stipulation shows “that the attorney understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.” (Rules Proc. of State Bar, rule 5.56(B).)

C. Factual Stipulations:

The Holmes Matter (OCTC Case No. 22-O-14419)

1. California Assembly Bill 2942 (“AB2942”) was passed into law in 2018 and effectively amended section 1170(d)(1) of the California Penal Code to allow the court to recall and resentence a defendant upon the recommendation of the district attorney of the county in which the defendant was sentenced. Prior to passage of AB2942, section 1170(d)(1) authorized the court to recall a sentence and impose a lesser sentence only upon the recommendation of the Secretary of the Department of Corrections and Rehabilitation, the Board of Parole Hearings in the case of state prison inmates, or the county correctional administrator in the case of county jail inmates.

2. On December 7, 2020, the Los Angeles District Attorney’s Office issued Special Directive 20-14, its Resentencing Policy. The Special Directive established that the office and its Deputy District Attorneys would reevaluate and consider resentencing for defendants who have already served 15 years in prison, stating “this Office commits to a comprehensive review of cases where the defendant received a sentence that was inconsistent with the charging and sentencing policies in force after Tuesday, December 8, 2020, at 12:01 AM... While priority shall be given to the cases enumerated below, the ultimate goal shall be to review and remediate every sentence that does not comport with the new Sentencing, Enhancement and Juvenile Policies. Specifically, this office commits to an expedited review of the following categories of cases which are themselves a subset of a universe of 20,000-30,000 cases with out-of-policy sentences: [including] People who have already served 15 years or more...”

3. After the amendment of section 1170(d)(1) of the California Penal Code by AB2942 and the issuance of Special Directive 20-14, Respondent charged clients for case reviews regarding post-conviction relief, and, after such reviews, recommended to clients the submission to prosecutors of letters and other documents requesting resentencing pursuant to amended section 1170(d)(1) and charged clients for the preparation and submission of such letters and other documents. In particular, between March 2021 and November 2022, Respondent charged and collected legal fees from clients for the preparation and submission of requests for resentencing relief under AB2942 made to the Los Angeles District Attorney’s Office (“LADA”) and Orange County District Attorney’s Office (“OCDA”).

4. Between February and April of 2021, Respondent received no fewer than nine letters from the LADA in which the LADA advised that it was in the process of establishing its own “new unit” to evaluate cases for resentencing. The letters advised that the LADA was prioritizing cases for review under the law. The letters further advised Respondent to consult the LADA website, which provided information, including answers to frequently asked questions (“FAQs”), regarding the types of cases and convictions that were being prioritized for review. The letters stated, “there was no need to take any action to be considered for resentencing, other than to check the website for updates.”

5. As of no later than February 2021, the LADA website identified the “priority criteria” the LADA used to consider a case for resentencing under AB2942. The website stated that adults whose cases fit all of the following criteria would be prioritized for review: (1) Age 50 and older; (2) sentenced to 20 years or more; (3) served a minimum of ten years in custody; (4) serving a sentence for a non-serious or non-violent felony [serious and violent felonies are defined in Penal Code section 1192.7(c) and Penal Code section 667.5(c)]; (5) has not suffered a prior conviction for a “super strike,” as defined in Penal Code section 667(e)(2)(c)(IV); and (6) is not a sex offender registrant. The LADA website specifically indicated in its FAQs section that the LADA “cannot accept calls, emails, letters, or other submissions regarding individual cases” and that “a lawyer cannot initiate or accelerate the review process for an individual case.”

6. The at least nine LADA letters Respondent received from the LADA placed him on actual notice that applications for relief pursuant to AB2942 presented to the LADA on behalf of criminal defendants were unnecessary and would not meaningfully affect the criminal defendant’s sentence.

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7. On July 25, 2022, the Los Angeles District Attorney's Office issued Special Directive 22-05 which stated: "The Resentencing Unit ("RU") will evaluate cases of incarcerated individuals whose sentences are inconsistent with current law and who have served more than ten years in custody. Due to the large number of cases that meet these criteria, the RU has developed guidelines outlining the types of cases they will prioritize for review. (See <https://da.lacounty.gov/policies/resentencing>.) Exceptions may only be made with the concurrence of the Director of Prosecutions Support Operations." The Special Directive also stated: "If a case comes to a deputy's attention which warrants resentencing in the interest of justice but is not being prioritized or being handled by the RU, the deputy may initiate a resentencing request on their own motion with the concurrence of their Head Deputy."

8. Between August 2022 and December 2022, Respondent received 26 letters from Los Angeles district attorneys requesting information on criminal defendants for whom Respondent submitted a request for resentencing. Respondent received two additional similar communications, one in July 2023 and one in September 2023. The letters and communications were sent by five different Deputy District Attorneys and did not involve Respondent's clients discussed below. As discussed below, Respondent engaged in misconduct prior to August 2022.

9. On January 1, 1997, Karl Holmes ("Holmes"), defendant in the criminal matter *People of the State of California v. Karl Holmes et. al.*, Case No. BA092268, Los Angeles County Superior Court, was sentenced to death for convictions of three counts of murder with special circumstances, one count of attempted murder, and one count of conspiracy to commit murder, with an enhancement for personal use of a firearm during the commission of the crimes.

10. On February 19, 2022, Holmes's fiancé, Ernestine Holley ("Holley"), hired Respondent, on Holmes's behalf, to conduct a case review of Holmes's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Holley spoke only with Respondent's non-attorney employee Olivia Alvarado ("Alvarado"). Alvarado advised Holley of the legal fee to be paid to Respondent for the case review. Holley paid Respondent \$3,000 for the case review.

11. Holmes, who had been convicted of serious and violent felonies, did not meet the priority criteria published by the LADA on its website and used by that office to consider a case for resentencing under AB2942.

12. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Holmes and Holley, Respondent never informed either of them that Holmes did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

13. On May 9, 2022, Respondent's firm emailed Holley a copy of Holmes's case review in which Respondent recommended that Holmes pursue relief under AB2942.

14. On May 11, 2022, Respondent spoke with Holmes regarding the case review. Respondent quoted Holmes a legal fee of \$11,500 to \$14,500 for pursuing relief under AB2942. Respondent did not inform Holmes that he had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates, and that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942. Further, Respondent never informed Holmes that based on his violent and serious felony convictions, Holmes fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942.

15. In Respondent's written case review for Holmes, which was delivered to Holmes by Respondent's office on May 12, 2022, Respondent advised and "strongly recommended" that Holmes seek resentencing pursuant to AB2942. Respondent's case review for Holmes did not inform Holmes that based on Holmes's violent and serious felony convictions, Holmes fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. Further, Respondent never informed Holmes that Respondent had previously received numerous letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates, and that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942.

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16. Respondent failed to disclose all the facts he knew that Holmes and Holley needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Holmes.

17. Respondent's proposed representation of Holmes was unlikely to result in Holmes obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

18. Between May 12, 2022 and October 13, 2022, Alvarado and Marti Wise ("Wise"), a non-attorney employed by Respondent, communicated with Holley multiple times and encouraged Holley to employ Respondent to pursue resentencing relief under AB2942.

19. On June 30, 2022, Wise emailed Holley stating that "resentencing under AB2942 is the best option" for Holmes. Wise quoted Holley a legal fee of \$18,200 for the legal services relating to AB2942, with credit given for the \$3,000 already paid for Holmes's case review.

20. In October 2022, Holley consulted the LADA website and learned that the LADA was not considering AB2942 resentencing requests from outside counsel. Based on this information, and her discussions with other attorneys, Holley concluded that Respondent's representation would not help Holmes. Holmes and Holley did not pay Respondent the additional \$15,200 he requested.

21. On October 12, 2022, Holley received a text message from Wise asking her when she was going to proceed with hiring Respondent for the AB2942 petition.

22. On October 13, 2022, Wise sent Holley an email stating, "We have probably 50 petitions [submitted to the LADA] and only a few have been denied, and one has been won. Now that George Gascon is back in office for another two years, those petitions will now slowly move through the system. Please be patient as this is a slow process. No news from the DA's office is good news because it means they are still working on it."

23. During the time that Respondent solicited and represented Holmes, Respondent never informed either Holmes or Holley that based on Holmes's violent and serious felony convictions, Holmes fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client during the time Respondent represented Holmes.

24. On October 28, 2022, Holley emailed Respondent requesting an itemized billing showing all legal services Respondent performed for Holmes, including the dates the legal services were performed. Respondent provided Holley a "block billing" accounting that was not itemized. Respondent did not provide Holley or Holmes any refund of the fees he was paid for the case review.

The Stringer Matter (OCTC Case No. 23-O-13011)

25. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

26. On February 9, 2011, Thomas Stringer ("Stringer"), defendant in the criminal matter *People of the State of California v. Thomas Stringer*, Case No. KA088197, Los Angeles County Superior Court, was sentenced to 160 years to life for convictions on seven counts of kidnapping, six counts of second-degree robbery, and one count of felon in possession of a firearm, with enhancements for personally using a firearm and gang affiliation in connection with the offenses.

27. On June 23, 2021, Stringer's sister, Tiffany Abram ("Abram"), hired Respondent, on Stringer's behalf, to conduct a case review of Stringer's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Abram spoke

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only with Respondent's non-attorney employee Hemi Tann ("Tann"). Tann advised Abram that the legal fee to be paid Respondent for the case review was \$3,000. Abram paid Respondent \$3,000 for the case review.

28. Stringer, who had been convicted of serious and violent felonies, did not meet the priority criteria published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

29. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Stringer and Abram, Respondent never informed Stringer or Abram that Stringer did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

30. On August 25, 2021, Respondent spoke with Abram to discuss Stringer's case review and Respondent's recommendation that Stringer pursue relief under AB2942. Stringer was not included in the conversation. Respondent told Abram that Stringer was a good candidate for resentencing under AB2942 because Stringer had not been in trouble since being incarcerated. During the conversation, Respondent did not inform Abram that based upon Stringer's violent and serious convictions, Stringer fell outside of the priority criteria applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. Further, Respondent never informed Stringer or Abram that he had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates, and that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942.

31. In Respondent's written case review for Stringer, which was delivered to Stringer by Respondent's office on August 26, 2021, Respondent advised and recommended that Stringer seek resentencing pursuant to AB2942. Respondent's August 26, 2021 case review for Stringer did not inform Stringer that based on Stringer's violent and serious felony convictions, Stringer fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. Further, Respondent never informed Stringer that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates, and that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942. When discussing whether Stringer should pursue relief under AB2942, the case review stated simply that pursuing this relief was "strongly recommended."

32. On September 15, 2021, Stringer wrote to Respondent to inform Respondent that he, Stringer, had been found in violation of prison cell phone rules and asked whether the violations would impact his opportunity to obtain resentencing relief. Respondent never responded to Stringer's letter.

33. On September 16, 2021, Abram called Respondent regarding Stringer's cell phone violations and spoke with Respondent's non-attorney employee Tann. Tann told Abram "Not to worry about it since it's not violent like stabbing a guard."

34. Respondent never communicated directly with Abram or Stringer regarding Stringer's concerns about the cell phone violations, which Abram and Stringer were concerned may have negatively impacted Stringer's ability to obtain resentencing relief.

35. Respondent failed to disclose all the facts he knew that Stringer and Abram needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Stringer.

36. On October 26, 2021, Abram hired Respondent to represent Stringer in submitting to the LADA a request for resentencing under AB2942. Respondent charged Abram \$14,700 for the legal service, including a credit of \$3,000 for the legal fee Abram had paid for Stringer's case review. Abram paid Respondent the additional \$11,700 between October 26, 2021 and January 20, 2022.

37. Respondent's proposed representation of Stringer was unlikely to result in Stringer obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

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38. On June 28, 2022, Respondent submitted to the LADA a request for resentencing pursuant to AB2942 on behalf of Stringer.

39. On January 18, 2023, Abram consulted the LADA website and learned that based on Stringer's violent and serious felony convictions, Stringer fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942.

40. On February 3, 2023, an administrative assistant in Respondent's office sent a letter to Stringer which incorrectly stated: "We have been in contact with the District Attorney's Office, and they stated that they would like more information about you and your case. Specifically, they would like to obtain and review your CDCR [California Department of Corrections and Rehabilitation] Central File." However, the letter was incorrectly sent to Stringer because the District Attorney's office had not requested additional information about Stringer's case. Neither Respondent, nor anyone with his law firm, advised Stringer or Abram that the aforementioned statements in the February 3, 2023 letter were incorrect and that the District Attorney's office had not contacted Respondent about Stringer's case.

41. On February 14, 2023, Stringer terminated Respondent.

42. During the time that Respondent solicited and represented Stringer, Respondent never informed either Stringer or Abram that based on Stringer's violent and serious felony convictions, Stringer fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended that Stringer pursue such relief and collected legal fees from Stringer for same.

43. On February 23, 2023, Stringer submitted a State Bar complaint against Respondent.

44. On May 24, 2023, Respondent issued a refund to Stringer and Abram in the amount of \$11,700.

45. Stringer was not successful in obtaining resentencing under AB2942.

The Poe Matter (OCTC Case No. 23-O-19035)

46. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

47. On April 28, 2004, John Poe ("Poe"), defendant in the criminal matter *People of the State of California v. John Poe*, Case No. YA052931, Los Angeles County Superior Court, was sentenced to 64 years to life for convictions of murder, attempted murder, and assault with a firearm, with enhancements for personally using a firearm in commission of the offenses.

48. On February 17, 2021, Poe's sister, Shawnty Wynne ("Wynne") hired Respondent, on Poe's behalf, to conduct a case review of Poe's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Wynne spoke only with Respondent's non-attorney employee Hemi Tann ("Tann"). Tann advised Wynne that the legal fee to be paid to Respondent for the case review was \$3,000. Wynne paid Respondent \$3,000 for the case review.

49. Poe, who had been convicted of serious and violent felonies, did not meet the "priority criteria" published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

50. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Poe and Wynne, Respondent never informed either of them that Poe did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

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51. In Respondent's written case review for Poe, which was delivered to Poe and Wynne by Respondent's office on April 14, 2021, Respondent advised and recommended that Poe seek resentencing pursuant to AB2942. The case review did not inform Wynne or Poe that based on Poe's violent and serious felony convictions Poe fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. The case review also did not inform Wynne or Poe that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates. The case review did not advise Wynn or Poe that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942. When discussing whether Poe should pursue relief under AB2942, the case review stated simply: "This relief is recommended."

52. On April 15, 2021, Respondent spoke with Wynne to discuss the options Respondent included in Poe's case review. Poe was not included in the telephone conversation. Respondent strongly recommended to Wynne that Poe pursue relief under AB2942. During this conversation, Respondent did not inform Wynne that based upon Poe's violent and serious felony convictions, Poe fell outside of the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. Respondent also did not inform Wynne that he had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates. Nor did Respondent inform Wynn that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases under AB2942.

53. Respondent failed to disclose all the facts he knew that Poe and Wynne needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Poe.

54. On April 28, 2021, Wynne paid Respondent an additional \$23,700 to represent Poe in submitting to the LADA a request for resentencing under AB2942, in submitting to the California Governor an application for commutation, and in preparing for and conducting a Franklin hearing (to present evidence related to Poe's youth at the time of the offenses' commission in mitigation of sentence) before the Board of Parole. These services were sold as a "package," in connection with which Respondent stated that his legal fee for seeking relief for Poe solely pursuant to AB2942 would be between \$11,700 and \$14,700.

55. Respondent's proposed representation of Poe was unlikely to result in Poe obtaining meaningful relief under AB2942. The fee Respondent collected for the case review and AB2942 request was disproportionate to the value of the of the services to be performed.

56. On October 8, 2021, Respondent submitted to the LADA a request for relief under AB2942 on behalf of Poe. On December 16, 2022, the LADA sent Respondent a letter denying the request based on the violent and serious nature of Poe's convictions. The LADA letter stated: "Please keep in mind that contacting our office to provide unsolicited information regarding a particular individual or to ask for an update is not helpful and, in fact, severely detracts from our ability to review these cases in a fair, orderly and expeditious manner." The letter also included the resentencing policy of the LADA, including the priority criteria for the LADA's case review and reminded Respondent that the policy was also available on the LADA website.

57. On February 14, 2023, Respondent submitted to the LADA another AB2942 request on behalf of Poe seeking reconsideration of the earlier denial and providing additional arguments in support of resentencing. On March 10, 2023, the LADA denied Respondent's second resentencing request citing the same reasons as in the December 16, 2022 letter. The March 10, 2023, letter indicated that the LADA would contact Poe directly if he "becomes an appropriate candidate for resentencing."

58. During the time that Respondent solicited and represented Poe, Respondent never informed either Poe or Wynne that based on Poe's violent and serious felony convictions, Poe fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under

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AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Poe pursue such relief and collected legal fees from Poe for same.

59. Between March 2023 and September 2024, Respondent issued four refund checks to Poe and Wynn totaling \$2,800.

60. Poe was not successful in obtaining resentencing under AB2942.

The Lish Matter (OCTC Case No. 23-O-20688)

61. Paragraphs 1 and 3 above are incorporated by reference as if fully set forth herein.

62. On March 25, 2021, the Orange County District Attorney's Office ("OCDA") determined that it would only consider requests for resentencing under AB2942 that it received from the California Department of Corrections and Rehabilitation ("CDCR"). The OCDA's policy acknowledged that while AB2942 provides the OCDA authority to request a resentencing, OCDA would rely on the CDCR to identify cases in which the OCDA would make such a request to the court.

63. Between May 21, 2021, and October 5, 2021, Respondent received no fewer than eight letters from the OCDA notifying Respondent of the above policy regarding AB2942 resentencing requests. The letters placed Respondent on actual notice that based on OCDA policy, Respondent's clients' requests to OCDA for resentencing under AB2942 would not be acted upon.

64. On October 30, 2017, Dustin Lish ("Lish"), defendant in the criminal matter *People of the State of California v. Dustin Lish*, Case No. 12NF0792, Orange County Superior Court, was sentenced to 15 years to life for a second-degree murder conviction arising out of a first offense for driving under the influence of alcohol.

65. On December 12, 2021, Lish's wife, Laura Lish ("Laura"), hired Respondent, on Lish's behalf, to conduct a case review of Lish's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Laura spoke only with Respondent's non-attorney employee Hemi Tann ("Tann"). Tann advised Laura that the legal fee to be paid Respondent for the case review was \$3,000. On December 12, 2021, Lish paid Respondent \$3,000 for the case review.

66. On February 14, 2022, Respondent emailed Laura a copy of Lish's case review which included a recommendation that Lish employ Respondent to pursue relief under AB2942. The case review did not inform Laura or Lish that the OCDA would only consider requests for resentencing under AB2942 that it received from the CDCR. The case review also did not inform Laura or Lish that Respondent had received no fewer than eight letters from the OCDA notifying him of the OCDA policy and that, based on the OCDA policy, Respondent's client requests to the OCDA for resentencing under AB2942 would not be acted upon.

67. Respondent never informed either Lish or Laura that he knew the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR; that Respondent had been informed by the OCDA that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR; or that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942 at the time Respondent recommended that Lish pursue such relief and collected legal fees from Lish for same.

68. Respondent failed to disclose all the facts he knew that Lish and Laura needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Lish.

69. On February 18, 2022, Lish and Laura hired Respondent to pursue post-conviction relief for Lish that included drafting an Application for Resentencing under AB2942 to be submitted to the OCDA, a Supplemental/Superseding Application for Commutation of Sentence, and a petition for Franklin Hearing. Respondent charged Laura \$28,500 for all three services, with a credit for the \$3,000 previously paid for Lish's case review. Of this amount, the cost of pursuing AB2942 relief was \$11,700 to \$14,700. On February 18, 2022, Laura and Lish paid Respondent \$25,500.

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70. Respondent's proposed representation of Lish was unlikely to result in Lish obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

71. On September 12, 2022, Respondent submitted to the OCDA a request for resentencing pursuant to AB2942 on behalf of Lish.

72. On September 28, 2022, the OCDA sent Respondent a letter stating that it would not act upon Respondent's request for resentencing on behalf of Lish. The letter stated in part, "as you are already aware, the OCDA only considers §1172.1 resentencing requests submitted by the California Department of Corrections and Rehabilitation (CDCR)..." The letter further stated, "As we know you are aware, a recommendation can be made under those regulations by the secretary of the CDCR to the Superior Court..."

73. On July 31, 2023, following her discovery that the OCDA would not consider requests for resentencing under AB2942 made by attorneys, Laura emailed Respondent requesting a full refund of the legal fees that she and Lish had paid Respondent.

74. On August 25, 2023, Respondent issued a refund to Lish in the amount of \$4,700.

75. Lish never obtained resentencing relief under AB2942.

The Robinson Matter (OCTC Case No. 23-O-15672)

76. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

77. On June 13, 2005, Joel Robinson ("Robinson"), defendant in the criminal matter *People of the State of California v. Joel Deandre Robinson*, Case No. BA274025, Los Angeles County Superior Court, was sentenced to 28 years, for felony convictions of shooting at an occupied vehicle, two counts of assault with a firearm, unlawful possession of a firearm, and carrying a concealed weapon, with enhancements including those related to gang activities.

78. On December 22, 2020, Robinson and his wife, Anne Gonzales ("Gonzales") hired Respondent to conduct a case review of Robinson's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Robinson and Gonzales paid Respondent \$3,000 for the case review on December 22, 2020.

79. Robinson, who had been convicted of a serious felony, did not meet the "priority criteria" published by the LADA on its website no later than February 2021 and used by it to consider a case for resentencing under AB2942.

80. In Respondent's written case review for Robinson, which was sent to Robinson on February 16, 2021, Respondent stated that he "strongly recommended" that Robinson pursue resentencing under AB2942. The case review did not inform Robinson that based on Robinson's serious felony conviction, Robinson fell outside the "priority criteria" applied by the LADA in determining which, if any, cases that office would consider for resentencing under AB2942. The case review also did not inform Robinson that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates. Nor did the case review inform Robinson that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief.

81. Respondent failed to disclose all the facts he knew that Robinson and Gonzales needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Robinson.

82. On March 12, 2021, Robinson and Gonzales hired Respondent to represent Robinson in submitting to the LADA a request for resentencing under AB2942. Respondent charged Robinson and Gonzales \$14,800 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. Robinson and Gonzales paid Respondent the additional \$11,800 between on March 12, 2021, and in June 2021.

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83. Respondent's proposed representation of Robinson was unlikely to result in Robinson obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

84. On September 24, 2021, Respondent submitted to the LADA a request for resentencing under AB2942 on Robinson's behalf. On November 14, 2022, the LADA advised Respondent, in writing, that Robinson's request for resentencing had been denied because Robinson did not meet the LADA's priority criteria for resentencing under AB2942. On February 1, 2023, Respondent submitted to the LADA an additional request for resentencing under AB2942 on Robinson's behalf providing additional arguments in support of the request for relief. Thereafter, in or about February 2023, Respondent sent an e-mail message to Robinson and Gonzales advising them that the LADA had denied Robinson's request for resentencing under AB2942.

85. During the time that Respondent solicited and represented Robinson, Respondent never informed either Robinson or Gonzales that based on Robinson's serious felony convictions, Robinson fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Robinson pursue such relief and collected legal fees from Robinson for same.

86. Robinson never obtained resentencing relief under AB2942.

The Charles Matter (OCTC Case No. 23-O-16130)

87. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

88. On February 6, 2004, Wesner Charles, Jr. ("Charles"), defendant in the criminal matter *People of the State of California v. Wesner Charles, Jr.*, Case No. BA239064, Los Angeles County Superior Court, was sentenced to 27 years, six months to life in prison for felony convictions of attempted carjacking and robbery.

89. In January 2021, Charles and his sister, Stephanie Charles ("Stephanie"), and his mother, Marie Charles ("Marie"), hired Respondent to conduct a case review of Charles's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Charles, Stephanie, and Maria paid Respondent \$3,000 for the case review in January 2021.

90. Charles, who had been convicted of serious and violent felonies, did not meet the "priority criteria" published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

91. In Respondent's written case review for Charles, which was sent to Charles on March 2, 2021, Respondent stated that he "strongly recommended" that Charles pursue resentencing under AB2942. The case review did not inform Charles that based on Charles's violent and serious felony convictions, Charles fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. The case review also did not inform Charles that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates. Nor did the case review inform Charles that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

92. Thereafter, Charles requested that Respondent meet with him. Respondent did not do so. Instead, Jeremy Cutcher ("Cutcher"), an attorney at Respondent's law firm, spoke with Charles. Cutcher told Charles that Charles should pursue relief under AB2942 because that will "get him out" in six to eight months, while a habeas petition would take longer.

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93. Respondent failed to disclose all the facts he knew that Charles, Stephanie, and Marie needed to know to make an informed decision on whether to employ and pay Respondent to pursue AB2942 relief for Charles.

94. On March 5, 2021, Charles, Stephanie, and Marie hired Respondent to represent Charles in submitting to the LADA a request for resentencing under AB2942 and to the California Governor an application for commutation of sentence. Respondent charged Charles and Stephanie \$19,000 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. At least \$8,000 of the additional \$16,000 fee was for the AB2942 application. Charles, Stephanie, and Marie paid Respondent the additional \$16,000 between on March 12, 2021 and on September 15, 2021.

95. Respondent's proposed representation of Charles was unlikely to result in Charles obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

96. In October 2021, Respondent submitted to the LADA a request for resentencing under AB2942 on Charles's behalf.

97. On November 14, 2022, the LADA advised Respondent that his recommendation for resentencing had been declined, citing that Charles did not meet the minimum requirements for resentencing consideration. In January 2023, Respondent sought reconsideration of the denial, submitting to the assigned Deputy District Attorney a letter in support of same.

98. On May 3, 2023, Charles submitted a State Bar complaint against Respondent.

99. On June 30, 2023, Respondent issued a refund in the amount of \$5,000 to Stephanie related to the AB2942 application. Respondent issued an additional refund in the amount of \$3,000 to Charles on June 21, 2024.

100. During the time that Respondent solicited and represented Charles, Respondent never informed either Charles, Stephanie, or Marie that based on Charles's violent and serious felony convictions, Charles fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Charles pursue such relief and collected legal fees from Charles for same.

101. On April 11, 2024, Charles was released from incarceration pursuant to Penal Code 1172.1. Respondent's work was not a contributing factor to the release.

The Martinez Matter (OCTC Case No. 23-O-23496)

102. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

103. On June 20, 2005, Bernardo Martinez ("Martinez"), defendant in the criminal matter *People of the State of California v. Bernardo Martinez*, Case No. BA269182, Los Angeles County Superior Court, was sentenced to 39 years and 4 months for convictions of five counts of first degree robbery, one count of second degree robbery, one count of being a felon in possession of a firearm, and one count of assault with a deadly weapon or by means of force likely to produce great bodily injury. Further, the jury found that Martinez was armed with a firearm during the commission of the robberies. Martinez was also found to have had a prior juvenile adjudication that constituted as a strike under the Three Strikes Law (P.C. 667(b)-(i); 1170.12)

104. On April 27, 2022, Martinez and his wife, Tina Marie Martinez ("Tina"), hired Respondent, on Martinez's behalf, to conduct a case review of Martinez's legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case

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review, Tina spoke only with Respondent's non-attorney case manager. Tina paid Respondent \$3,000 for the case review on May 20, 2022.

105. Martinez, who had been convicted of serious and violent felonies, did not meet the "priority criteria" published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

106. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Martinez and Tina, Respondent never informed either of them that Martinez did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

107. In Respondent's written case review for Martinez, which was sent to Martinez on July 25, 2022, Respondent stated that "a very compelling case" could be made that Martinez should be resentenced under AB2942. Respondent stated in the case review that Martinez had previously submitted an Application for Resentencing under AB2942, but nonetheless recommended that Martinez retain counsel to file a supplemental application or a new application. The case review did not inform Martinez that based on Martinez's violent and serious felony convictions, Martinez fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942. The case review also did not inform Martinez that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates. Nor did the case review inform Martinez that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

108. Respondent failed to disclose all the facts he knew that Martinez and Tina needed to know to make an informed decision whether to employ and pay Respondent to pursue AB2942 relief for Martinez.

109. On November 17, 2022, Martinez, with Tina as his representative, hired Respondent to represent Martinez in submitting to the LADA a request for resentencing under AB2942. Respondent charged Martinez \$14,500 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. Tina paid Respondent the additional \$11,500 between November 21, 2022 and February 27, 2023.

110. Respondent's proposed representation of Martinez was unlikely to result in Martinez obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

111. On July 21, 2023, before Respondent submitted an AB2942 application on behalf of Martinez, Tina sent an email to Respondent and asked that they put all work on hold and to issue a full refund after she independently discovered that Martinez did not meet the LADA priority criteria for AB2942 relief. Respondent was terminated before ever submitting an AB2942 application on behalf of Martinez. Between September 14, 2023, and January 9, 2024, Respondent's firm refunded Martinez and Tina the \$11,500 paid for the AB2942 application over the course of five payments.

112. During the time that Respondent solicited and represented Martinez, Respondent never informed either Martinez or Tina that based on Martinez's violent and serious felony convictions, Martinez fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Martinez pursue such relief and collected legal fees from Martinez for same.

The Johnson Matter (OCTC Case No. 24-O-14431)

113. Paragraphs 1 through 6 above are incorporated by reference as if fully set forth herein.

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114. On February 24, 2004, Demetrius Johnson (“Johnson”), defendant in the criminal matter *People of the State of California v. Demetrius Johnson et. al.*, Case No. NA056412, Los Angeles County Superior Court, was sentenced to 41 years after Johnson was found guilty of 18 counts of armed robbery with use of a firearm in each count.

115. On December 16, 2021, Johnson and his fiancé at the time and client representative, Chimera Robinson (“Chimera”), hired Respondent to conduct a case review of Johnson’s legal options regarding post-conviction relief. The case review did not include drafting, submitting, or filing any requests for post-conviction relief. Prior to hiring Respondent for the case review, Chimera communicated only with Respondent’s non-attorney employees. Johnson and Chimera paid Respondent \$3,000 for the case review on December 17, 2021.

116. Johnson, who had been convicted of serious and violent felonies, did not meet the “priority criteria” published by the LADA on its website and used by it to consider a case for resentencing under AB2942.

117. Despite knowing of the priority criteria listed on the LADA website at the time he was employed by Johnson and Chimera, Respondent never informed either of them that Johnson did not meet the priority criteria to be considered by the LADA for resentencing under AB2942.

118. In Respondent’s written case review for Johnson, which was emailed to Chimera on February 28, 2022, Respondent advised and recommended that Johnson seek resentencing pursuant to AB2942. The case review did not inform Johnson or Chimera that based on Johnson’s violent and serious felony convictions, Johnson fell outside the “priority criteria” applied by the LADA in determining which, if any, cases that office would consider for resentencing under AB2942. The case review did not inform Johnson or Chimera that Respondent had previously received letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the website for updates. The case review did not inform Johnson or Chimera that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

119. On February 28, 2022, Respondent spoke with Chimera regarding the case review. Respondent quoted a legal fee of \$11,700 to \$14,700 to seek a commutation and an additional \$11,700 to \$14,700 to pursue an AB2942 application.

120. Respondent failed to disclose all the facts he knew that Johnson and Chimera needed to know to make an informed decision whether to employ and pay Respondent to pursue AB2942 relief for Johnson.

121. On March 1, 2022, Johnson and Chimera hired Respondent to represent Johnson in seeking post-conviction relief in the form of an application for commutation and an application for resentencing under AB2942. Respondent charged Johnson \$21,700 for the legal services, including a credit of \$3,000 for the legal fee Johnson and Chimera had paid for Johnson’s case review. Johnson and Chimera paid Respondent the additional \$18,700 on that same day. Of the \$21,700 paid by Johnson and Chimera to Respondent, \$14,700 was attributable to the case review and AB2942 representation.

122. Respondent’s proposed representation of Johnson was unlikely to result in Johnson obtaining meaningful relief under AB2942. The fee Respondent collected was disproportionate to the value of the of the services to be performed.

123. On November 29, 2022, Respondent submitted to the LADA a request for resentencing pursuant to AB2942 on behalf of Johnson.

124. Respondent’s representation of Johnson concluded in December 2023. Johnson did not obtain resentencing relief, nor was his sentence commuted.

125. During the time that Respondent solicited and represented Johnson, Respondent never informed either Johnson or Chimera that based on Johnson’s violent and serious felony convictions, Johnson fell outside the “priority criteria” applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; that Respondent knew that the LADA had advised him that there was no need for any person seeking resentencing to take

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any action to be considered for resentencing, other than to check the LADA website for updates; that the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; or that Respondent had not successfully obtained resentencing relief under AB2942 for any client at the time Respondent recommended Johnson pursue such relief and collected legal fees from Johnson for same.

126. Beginning July 14, 2020, and continuing through May 9, 2023, Respondent published on his firm's website – www.spolinlaw.com – an announcement entitled "GOVERNOR PUBLICLY ANNOUNCES COMMUTATION OF SENTENCE FOR SPOLIN LAW CLIENT," and stated in the first sentence, "California Governor Gavin Newsom has announced the commutation (reduction) of sentence for a Spolin Law client who was previously serving a life sentence without the possibility of parole." Respondent, however, omitted the material fact that neither Respondent nor anyone at his law firm filed the application for commutation on behalf of the referenced "Spolin Law client," J.H., and that J.H. obtained the commutation on his own behalf by submitting the application for commutation in *pro per*, prior to hiring Respondent's law firm.

Additional Facts Common to All Client Matters Above

127. Even though Respondent's case reviews addressed avenues of post-conviction relief other than AB2942 and some clients employed Respondent to pursue post-conviction relief via avenues in addition to AB2942, all of the case reviews recommended that the clients employ Respondent to pursue relief under AB2942, without advising the clients of any of the reasons why that course of action was unlikely to result in any meaningful benefit to the clients. Each of the case reviews discussed herein served as a solicitation to hire Respondent for AB2942 related services rather than a candid legal evaluation of the client's case. It was Respondent's practice that the \$3,000 fee charged for a case review be treated as the initial component of the full legal fee he charged for AB2942 related services as demonstrated by the fact that the \$3,000 fee was routinely credited as an initial payment towards the total and final legal fee for AB2942 related services. Each of the case reviews discussed herein was of little or no value to the clients. The \$3,000 fee paid for the case reviews was part and parcel of the legal fee paid to Respondent for AB2942 related services and disproportionate to the value of those services.

128. Respondent's clients were all of limited financial means.

129. Respondent promoted false hope in his clients and their families that the clients' sentences would be reduced when in fact that was highly unlikely given the LADA and OCDA policies concerning AB2942 relief at the time Respondent was employed and paid by the clients.

130. Respondent engaged in the above-described misconduct to obtain clients and attorney fees for personal gain.

D. Conclusions of Law:

The following alleged violations are dismissed in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
SBC-24-O-30656	Nine	Business and Professions Code section 6106 [Misrepresentation]
SBC-24-O-30656	Eighteen	Business and Professions Code section 6106 [Moral Turpitude]
SBC-24-O-30844	Eighteen	Business and Professions Code section 6106 [Moral Turpitude]

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The Holmes Matter (OCTC Case No. 22-O-14419)

131. By failing to inform Holmes and Holley, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Holmes for the preparation of Holmes's case review and in soliciting employment and the payment of additional fees from Holmes and Holley for Respondent to pursue relief for Holmes under AB2942, that Respondent knew Holmes's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Holmes's employment of Respondent was unlikely to result in Holmes obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

132. By failing to inform Holmes or Holley during his representation of Holmes that Respondent knew Holmes's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Holmes's employment of Respondent was unlikely to result in Holmes obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

133. By failing to inform Holmes or Holley during his representation of Holmes that Respondent knew Holmes's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Holmes's employment of Respondent was unlikely to result in Holmes obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Holmes and Holley to encourage a false impression that Respondent would be able to achieve meaningful benefit for Holmes if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

134. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$3,000 from Holmes and Holley that lacked their informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Holmes; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Holmes and Holley; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Stringer Matter (OCTC Case No. 23-O-13011)

135. By failing to inform Stringer and Abram, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Stringer for the preparation of Stringer's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that Respondent knew Stringer's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; of the legal impact of Stringer's prison cell phone violations on a request for resentencing relief under AB2942; or that Stringer's employment of

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Respondent was unlikely to result in Stringer obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

136. By failing to inform Stringer or Abram during his representation of Stringer that Respondent knew Stringer's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; of the legal impact of Stringer's prison cell phone violations on a request for resentencing relief under AB2942; or that Stringer's employment of Respondent was unlikely to result in Stringer obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

137. By failing to inform Stringer or Abram during his representation of Stringer that Respondent knew Stringer's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Stringer's employment of Respondent was unlikely to result in Stringer obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Stringer and Abram to encourage a false impression that Respondent would be able to achieve meaningful benefit for Stringer if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

138. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,700 from Stringer and Abram that lacked Stringer and Abram's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Stringer; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Stringer and Abram; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

139. By failing to inform Stringer or Abram that the letter Respondent's office sent to Stringer on February 3, 2023 that incorrectly stated: "We have been in contact with the District Attorney's Office, and they stated that they would like more information about you and your case. Specifically, they would like to obtain and review your CDCR [California Department of Corrections and Rehabilitation] Central File," had been sent in error because the District Attorney's office had neither contacted Respondent's office about Stringer's case nor requested additional information about Stringer, Respondent failed to keep a client reasonably informed of significant developments in matters to which the attorney agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

The Poe Matter (OCTC Case No. 23-O-19035)

140. By failing to inform Poe and Wynne, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Poe for the preparation of Poe's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that Respondent knew Poe's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Poe's employment of Respondent was unlikely to result in Poe obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably

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necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

141. By failing to inform Poe or Wynne during his representation of Poe that Respondent knew Poe's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Poe's employment of Respondent was unlikely to result in Poe obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

142. By failing to inform Poe or Wynne during his representation of Poe that Respondent knew Poe's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Poe's employment of Respondent was unlikely to result in Poe obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Poe and Wynne to encourage a false impression that Respondent would be able to achieve meaningful benefit for Poe if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

143. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,700 from Poe and Wynne that lacked Poe and Wynne's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Poe; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Poe and Wynne; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Lish Matter (OCTC Case No. 23-O-20688)

144. By failing to inform Lish and Laura, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Lish for the preparation of Lish's case review and the preparation and submission to the OCDA of a request for resentencing relief under AB2942, that Respondent knew the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR; that Respondent had been informed by the OCDA that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and that Lish's employment of Respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b)

145. By failing to inform Lish or Laura, during his representation of Lish that Respondent knew the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR; that Respondent had been informed by the OCDA that the OCDA did not consider resentencing requests from individuals or attorneys and only considered requests it received from CDCR; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and that Lish's employment of Respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

146. By failing to inform Lish or Laura, during his representation of Lish that he knew the OCDA would only consider or act upon requests for resentencing under AB2942 that it received from the CDCR; that Respondent had been informed by the OCDA that the OCDA did not consider resentencing requests from individuals or attorneys and only

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considered requests it received from CDCR; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and that Lish's employment of Respondent was unlikely to result in Lish obtaining meaningful relief under AB2942 from the OCDA, Respondent caused false or misleading communications due to material omissions to be made to Lish and Laura to encourage a false impression that Respondent would be able to achieve meaningful benefit for Lish if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

147. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,700 from Lish and Laura that lacked Lish and Laura's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Lish; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Lish and Laura; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Robinson Matter (OCTC Case No. 23-O-15672)

148. By failing to inform Robinson and Gonzales, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Robinson for the preparation of Robinson's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that he knew Robinson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Robinson's employment of Respondent was unlikely to result in Robinson obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

149. By failing to inform Robinson or Gonzales during his representation of Robinson that Respondent knew Robinson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Robinson's employment of Respondent was unlikely to result in Robinson obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

150. By failing to inform Robinson or Gonzales during his representation of Robinson that Respondent knew Robinson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Robinson's employment of Respondent was unlikely to result in Robinson obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Robinson and Gonzales to encourage a false impression that Respondent would be able to achieve meaningful benefit for Robinson if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

151. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,800 from Robinson and Gonzales that lacked Robinson and Gonzales's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Robinson; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Robinson and Gonzales; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

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The Charles Matter (OCTC Case No. 23-O-16130)

152. By failing to inform Charles, Stephanie, and Marie, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Charles for the preparation of Charles's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that he knew Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Charles's employment of Respondent was unlikely to result in Charles obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

153. By failing to inform Charles, Stephanie, or Maria during his representation of Charles that Respondent knew Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Charles's employment of Respondent was unlikely to result in Charles obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

154. By failing to inform Charles, Stephanie, or Maria during his representation of Charles that Respondent knew Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; that Charles's employment of Respondent was unlikely to result in Charles obtaining meaningful relief under AB2942; and by permitting Cutcher to advise Charles that Charles should pursue relief under AB2942 before pursuing habeas relief because that would "get him out" in six to eight months, which advice was unreasonable and misleading, Respondent caused false or misleading communications due to material omissions to be made to Charles, Stephanie and Marie to encourage a false impression that Respondent would be able to achieve meaningful benefit for Charles if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

155. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$11,000 from Charles, Stephanie, and Marie that lacked their informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Charles; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Charles, Stephanie, and Marie; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Martinez Matter (OCTC Case No. 23-O-23496)

156. By failing to inform Martinez and Tina, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Martinez for the preparation of Martinez's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that he knew Martinez's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully

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obtained resentencing relief on behalf of any individual under AB2942; or that Martinez's employment of Respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

157. By failing to inform Martinez or Tina during his representation of Martinez that Respondent knew Martinez's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Martinez's employment of Respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1.

158. By failing to inform Martinez or Tina during his representation of Martinez that Respondent knew Martinez's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Martinez's employment of Respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Martinez and Tina to encourage a false impression that Respondent would be able to achieve meaningful benefit for Martinez if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

159. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,500 from Martinez and Tina that lacked Martinez and Tina's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Martinez; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Martinez and Tina; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

The Johnson Matter (OCTC Case No. 24-O-14431)

160. By failing to inform Johnson and Chimera, at the time Respondent solicited and accepted employment and the payment of legal fees on behalf of Johnson for the preparation of Johnson's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, that he knew Johnson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Johnson's employment of Respondent was unlikely to result in Johnson obtaining meaningful relief under AB2942, Respondent failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding legal representation in willful violation of Rules of Professional Conduct, rule 1.4(b).

161. By failing to inform Johnson or Chimera during his representation of Johnson that Respondent knew Johnson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942;

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or that Johnson's employment of Respondent was unlikely to result in Johnson obtaining meaningful relief under AB2942, Respondent failed to exercise independent professional judgment and render candid advice to a client in willful violation of Rules of Professional Conduct, rule 2.1

162. By failing to inform Johnson or Chimera during his representation of Johnson that Respondent knew Johnson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing; that the LADA had informed Respondent that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942; that Respondent knew that the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942; that Respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; or that Johnson's employment of Respondent was unlikely to result in Johnson obtaining meaningful relief under AB2942, Respondent caused false or misleading communications due to material omissions to be made to Johnson and Chimera to encourage a false impression that Respondent would be able to achieve meaningful benefit for Johnson if employed in willful violation of Rules of Professional Conduct, rule 7.1(a).

163. Respondent entered into an agreement for, charged, and collected legal fees in the amount of \$14,700 from Johnson and Chimera that lacked Johnson and Chimera's informed consent; were for legal services that were unlikely to, and did not, result in any meaningful benefit to Johnson; were disproportionate to the value of the legal services performed by Respondent; were the product of Respondent taking unfair advantage of his superior position over Johnson and Chimera; and were therefore unconscionable in willful violation of Rules of Professional Conduct, rule 1.5(a).

164. By omitting the material fact that neither Respondent nor anyone at his law firm filed the application for commutation on behalf of the "Spolin Law client" referenced in an announcement entitled "GOVERNOR PUBLICALLY ANNOUNCES COMMUTATION OF SENTENCE FOR SPOLIN LAW CLIENT," and stating in relevant part that "California Governor Gavin Newsom has announced the commutation (reduction) of sentence for a Spolin Law client who was previously serving a life sentence without the possibility of parole," Respondent made a communication to the public about his legal services on his website that omitted facts necessary to make the communication considered as a whole not materially misleading in willful violation of Rules of Professional Conduct, rule 7.1(a).

E. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]:

Multiple Acts of Wrongdoing (std. 1.5(b)): Respondent, in eight separate client matters, charged and collected unconscionable fees and knowingly failed to disclose material information the clients needed to make an informed decision whether to employ Respondent and pay him thousands of dollars to obtain resentencing relief under AB2942.

Significant Harm to the Clients (std. 1.5(j)): Respondent's misconduct caused significant financial harm to his clients, all of whom were incarcerated, of limited financial means, and could have used the fees they paid Respondent for other important purposes. (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993 [substantial harm where attorney's misconduct in charging unconscionable fees deprived client of funds at time of desperate need]; *In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, 409, 413 [significant client harm for six-month delay in distributing \$5,618 in medical malpractice settlement proceeds].)

Vulnerable Victims (std. 1.5(n)): Clients in these matters were incarcerated criminal defendants who were vulnerable due to their limited freedom, access to resources and ability to communicate with Respondent. (*In the Matter of Gonzalez* (Review Dept. 2018) 5 Cal. State Bar Ct. Rptr. 632, citing *In the Matter of Nees* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 459, 462, 465, *Borré v. State Bar* (1991) 52 Cal.3d 1047, 1053.)

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Personal Gain: Respondent's misconduct was motivated by personal financial gain. He collected thousands of dollars from his clients to seek relief under AB2942 when he knew at the time the clients were unlikely to obtain meaningful resentencing relief. (*In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 938 ["The fact that respondent intentionally engaged in the misconduct for personal gain and, in fact, personally profited from it are aggravating circumstances."].)

F. Mitigating Circumstances [Standards 1.2(i) & 1.6]:

Good Character: Respondent has provided character reference letters from four individuals who have known Respondent between five to 20 years. The character references are generally aware of Respondent's misconduct and believe Respondent to be a person of integrity, honesty, and strong work ethic. Although few in number, Respondent is entitled to some mitigating weight for these character references, which include an elected district attorney, a rabbi, and a navy judge advocate. (*In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591–592 [significant weight in mitigation given to good character testimony of three witnesses, which included two attorneys and a fire chief]; *In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319 [serious consideration given to attorneys' testimony due to their "strong interest in maintaining the honest administration of justice"].)

Pretrial Stipulation: By entering this stipulation *nolo contendere*, Respondent is entitled to mitigation for cooperation and saving the State Bar significant time and resources. (See *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [more mitigating weight accorded when admission to culpability as well as facts]; *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].) Additionally, the stipulation reflects Respondent's recognition of wrongdoing.

G. Discussion of Recommended Level of Discipline and Authorities Supporting Discipline:

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

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

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

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Moreover, all relevant circumstances have a bearing on level of discipline. (See *Rodgers v. State Bar* (1989) 48 Cal.3d 300, 316 [the imposition of attorney discipline does not issue from a fixed formula but rather from a balanced consideration of all relevant factors, including aggravating and mitigating circumstances] underscore added.)

In this matter, Respondent committed multiple acts of professional misconduct with respect to eight client matters. 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.”

Standard 2.3 provides that actual suspension of at least six months is the presumed sanction for entering into an agreement for, charging, or collecting an unconscionable legal fee. Unconscionable legal fees are serious misconduct because they involve taking advantage of a client. It is a form of overreaching and contrary to the attorney’s duty of loyalty.

In *In the Matter of Harney* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 266, the State Bar Court discussed illegal and unconscionable fees, first generally, then specifically as to Harney’s failure to disclose material facts to his client. The Court stated:

Although this is not an unconscionable fee case under rule 4-200, the Supreme Court has expressed concern over attorney conduct when focus on fee collection overcomes attention to professional responsibilities to one’s client. In *Bushman v. State Bar* (1974) 11 Cal.3d 558, 564, a case involving, inter alia, the charging of an unconscionable fee to an impecunious client, the Court observed that “the right to practice law ‘is not a license to mulct the unfortunate.’” (*Harney, supra*, 3 Cal. State Bar Ct. Rptr. at 284.)

The Court in *Harney* continued:

The gravamen of this case is not simply respondent’s collection of an illegal fee for his representation of Wendy. Rather, this case is about respondent’s clear overreaching of his own client by concealing by recklessness or gross negligence from her representative and from the court a material fact and profiting handsomely as a result. (*Harney, supra*, 3 Cal. State Bar Ct. Rptr. at 284.)

The information Harney failed to disclose to his client was that his attorney fee was limited by the Medical Injury Compensation Reform Act commonly referred to as “MICRA.”

As in *Harney*, Respondent overreached when he failed to disclose facts his clients and their representatives needed to know to make an informed decision whether to employ and pay him legal fees to pursue relief under AB2942 when the pursuit of same was unlikely to result in meaningful relief for the client. Unlike *Harney*, Respondent’s misconduct impacted not one, but eight vulnerable clients.

Respondent’s misconduct was neither minor nor isolated. (*In re Silverton, supra*, 36 Cal.4th at 92 [general discussion re extent of misconduct must be evaluated when applying the Standards for Attorney Sanctions for Professional Misconduct]; also see *Gary v. State Bar* (1988) 44 Cal.3d 820, 828 [appropriate level of discipline determined in light of all relevant circumstances].)

Respondent repeatedly placed his own personal financial interests ahead of the best interests of his clients by repeatedly failing to communicate material information to the clients and their representatives to secure his employment and repeatedly charging and collecting unconscionable fees. Additionally, Respondent published misleading communications on his website and his employees misled clients. In so doing, Respondent promoted false hope on the part of his clients and their families that the clients’ prison sentences would be reduced.

Where a single instance of engaging in an unconscionable fee warrants an actual suspension of at least six months, the fact that Respondent engaged in eight such acts of misconduct and the facts and circumstances surrounding the manner in which he effectuated his misconduct warrant disbarment. (*In re Silverton, supra*, 36 Cal.4th at 94 [evaluation of unconscionability of a legal fee is based upon all facts and circumstances existing at the time the agreement was

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entered]; also see *Barnum v. State Bar* (1990) 52 Cal.3d 104, 113, ["unconscionable fee violation, standing alone, warranted a minimum six-month actual suspension ... irrespective of mitigating circumstances."].)

While disbarment is warranted based upon Respondent's multiple unconscionable fee violations alone, it is noted that Standard 2.7(b) provides that actual suspension is the presumed sanction for communication violations in multiple client matters. Here, the facts and circumstances surrounding Respondent's repeated communication and other violations, including being motivated by personal gain, warrant an upward deviation to disbarment under this standard. (See Standard 1.7(b) discussing greater sanctions than those specified in a standard being appropriate where serious harm to the client, the public, the legal system, or the profession demonstrates that the lawyer is unwilling or unable to conform to ethical responsibilities.)

The Standards also call for an evaluation of factors in aggravation and mitigation. Respondent's misconduct is significantly aggravated by the fact that he engaged in multiple, repeated bad acts; caused significant financial harm to vulnerable clients, including those incarcerated at the time of their interactions with Respondent; and did so for personal gain.

In mitigation, Respondent enters this stipulation acknowledging his misconduct, provided good character references, and has made or agrees to make restitution to many of the clients he has harmed. While this mitigation is meaningful, it is outweighed by the aggravation because the mitigation does not establish a benign explanation for why the misconduct occurred in the first instance. Therefore, the mitigation does not establish a basis to conclude that misconduct will not recur absent the imposition of disbarment.

While Respondent's mitigation may eventually be viewed as the beginning of his rehabilitation, Respondent overreached and took unfair advantage of his clients demonstrating a willingness or inability to conform to ethical standards. Therefore, disbarment is appropriate. (See Standard 1.8 discussing misconduct demonstrating a lawyer's unwillingness or inability to conform to ethical responsibilities and that disbarment may be imposed in the absence of prior discipline.)

Further, disbarment is supported by the seriousness of the misconduct and its impact on the integrity and high standards of the legal profession, as well as on the public's confidence in the profession. The better forum to address rehabilitation and current fitness to practice law will be a reinstatement proceeding after disbarment. (*In re Basinger* (1988) 45 Cal.3d 1348, 1360 – 1362.)

Case law supports disbarment in this matter. First, the State Bar Court has recommended disbarment in cases where the attorney had no prior record of discipline. "[W]hen the Supreme Court has deemed suspension adequate, it has considered most significant the existence or non-existence of a tragic event or set of circumstances which altered the attorney's behavior, which could explain the attorney's misconduct followed by sufficient evidence of rehabilitation to give the court confidence that the attorney's pattern would not repeat." (*In the Matter of Collins* (Review Dept. 1992), 2 Cal. State Bar Ct. Rptr. 1.) Respondent has shown no such mitigation here.

Second, case law supports disbarment for an attorney whose misconduct reflects client harm, overreaching, and placing one's own personal benefit ahead of clients. For example, in *In the Matter of Phillips* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 315, the attorney was disbarred after being found culpable in seven separate matters involving five clients and two former clients of repeatedly and intentionally charging one illegal fee, failing to perform services competently, failing to return files, failing to return unearned fees, sharing fees with a non-lawyer, and forming a law partnership with a non-lawyer. (*Id.* at p. 345.) In aggravation, Phillips' misconduct was surrounded by considerable dishonesty and concealment, and he "made a habit of ignoring his clients and their interests...." (*Id.* at p. 346.) Phillips was found culpable of overreaching with several clients who "were of modest means and apparently modest education...." (*Id.*)

Similarly, Respondent engaged in overreaching and placed his own financial gain above the interests of his incarcerated clients. Respondent lacked candor about his proposed legal services by failing to communicate material information his clients required to make informed decisions. Like Phillips, the misconduct addressed here is serious, repeated, included overreaching, and commenced soon after Respondent became licensed to practice in this state.

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Finally, Respondent's misconduct was not aberrational. He failed to communicate material information required by his clients to make informed decisions and then charged and collected unconscionable fees in eight client matters. Respondent's repeated acts of misconduct were not a mistake, nor were they the product of an extraordinary event occurring in Respondent's life.

Therefore, disbarment is warranted here.

H. Recommended Discipline:

Disbarment:

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

I. Additional Requirements:

- (1) **California Rules of Court, Rule 9.20.** It is recommended that Respondent be ordered to comply with California Rules of Court, rule 9.20, and to perform the acts specified in (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date the Supreme Court order imposing discipline in this matter is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [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 imposing discipline]).

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).) The court-approved Rule 9.20 Compliance Declaration form is available on the State Bar Court website under "[Forms](#)."

- (2) ☒ **Restitution.** Respondent must make restitution, including the principal amount plus 10 percent interest per year to each of the following payee(s) or such other recipient(s) as may be designated by the State Bar's Office of Case Management & Supervision (OCMS) or the State Bar Court (or reimburse(s) the Client Security Fund, to the extent of any payment from the Fund to such payee(s), in accordance with Business and Professions Code section 6140.5). Reimbursement to the Fund is enforceable as a money judgment and may be collected by the State Bar through any means permitted by law:

Payee	Principal Amount	Interest Accrues From
Karl Holmes or designated representative	\$3,000	March 1, 2022
Thomas Stringer or designated representative	\$3,000	July 1, 2021
John Poe or designated representative	\$11,900	April 1, 2021
Dustin Lish or designated representative	\$10,000	February 1, 2022
<input checked="" type="checkbox"/> Additional payees listed in an attachment to this form. See page number(s) 28		

- (3) ☒ **Payment of Monetary Sanctions.** Respondent acknowledges Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are payable through Respondent's "My State Bar Profile" account. Further inquiries related to payment of

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monetary sanctions should be directed to the State Bar's Division of Regulation. It is further recommended that (check one option only):

- ☒ Respondent be ordered to pay monetary sanctions to the State Bar of California Client Security Fund in the amount of **\$5,000** in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law. Monetary sanctions must be paid in full as a condition of reinstatement or return to active status, unless time for payment is extended pursuant to rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions in the above amount are recommended because **the stipulated discipline is disbarment, implicating a guideline of up to \$5,000 in monetary sanctions under rule 5.137(E)(2)(b) of the Rules of Procedure of the State Bar. In consideration of all facts and circumstances of this case—including, in particular, the charging and collecting of unconscionable fees in multiple client matters, mitigated by Respondent entering into a pretrial stipulation to disbarment - monetary sanctions in the amount of \$5,000 are appropriate to serve the primary purposes of discipline.**
- ☐ Respondent be ordered to pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$ENTER AMOUNT in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions must be paid in installments of Enter Installment Ratio per year, on or before February 1 of each of the years INSERT 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 is due and payable immediately. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law. Monetary sanctions in the above amount are recommended because INSERT REASON. Respondent may pay the monetary sanctions in installments because INSERT REASON.
- ☐ Respondent be ordered to pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$ENTER AMOUNT in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. The time to pay such monetary sanctions is extended, and Respondent must pay the sanctions by INSERT DATE. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law. Monetary sanctions in the above amount are recommended because INSERT REASON. The time to pay such monetary sanctions is extended because INSERT REASON.
- ☐ Monetary sanctions are entirely waived because INSERT REASON.

(4) ☒ **Payment of Disciplinary Costs.** Respondent acknowledges the provisions of Business and Professions Code sections 6086.10 and 6140.7. Costs are payable through Respondent's "My State Bar Profile" account. Further inquiries related to payment of costs should be directed to the State Bar's Division of Regulation. It is further 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, and may be collected by the State Bar through any means permitted by law. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against an attorney who is actually suspended or disbarred must be paid as a condition of applying for reinstatement or return to active status.
- ☐ Costs are waived in part as follows: Click or tap here to enter text.

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☐ Costs are entirely waived.

(5) ☐ **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements: SPECIFY.

Additional payees to be paid RESTITUTION:

Payee	Principal Amount	Interest Accrues From
Joel Robinson or designated representative	\$14,800	May 1, 2021
Wesner Charles, Jr. or designated representative	\$3,000	August 1, 2021
Bernardo Martinez or designated representative	\$3,000	February1, 2023
Demetrius Johnson or designated representative	\$14,700	February 1, 2022

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In the Matter of: AARON SPOLIN	Case Number(s): SBC-24-O-30656-DGS; SBC-24-O-30844-DGS (Cons.)
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Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedure of the State Bar. The applicable provisions are set forth below:

Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against an attorney:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the attorney culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the attorney as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based.

Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) Contents. A proposed stipulation to facts, conclusions of law, and disposition must comprise:

- [¶] . . . [¶]
- (5) a statement that the attorney either:
 - (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
 - (b) pleads nolo contendere to those facts and misconduct;

[¶] . . . [¶]
“(B) Plea of Nolo Contendere. If the attorney pleads nolo contendere, the stipulation must also show that the attorney understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

5/30/2025 | 6:01 AM

Signed by:

PD7

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respondent's Signature

Aaron Spolin

Print Name

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In the Matter of: AARON SPOLIN	Case Number(s): SBC-24-O-30656-DGS; SBC-24-O-30844-DGS (Cons.)
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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.

5/30/2025 | 6:01 AM	<div><div>Signed by:</div><div><div>EE0223253C674D1...</div><div>DocuSigned by:</div></div><div><div><div>Aaron Spolin</div><div>Signature</div></div></div></div>	<div><div>AARON SPOLIN</div><div>Print Name</div></div>
5/29/2025 | 8:10 AM	<div><div>Signed by:</div><div><div>94DB456EB85E478...</div><div>DocuSigned by:</div></div><div><div><div>Erin Joyce</div><div>Counsel Signature</div></div></div></div>	<div><div>ERIN JOYCE</div><div>Print Name</div></div>
5/30/2025 | 7:13 AM	<div><div>Signed by:</div><div><div>CE5AA9FD669145B...</div><div>DocuSigned by:</div></div><div><div><div>Cindy Chan</div><div>Deputy Trial Counsel's Signature</div></div></div></div>	<div><div>CINDY CHAN</div><div>Print Name</div></div>

DECLARATION OF SERVICE

CASE NUMBER(s): SBC-24-O-30656-DGS; SBC-24-O-30844-DGS (Cons.)

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, sandra.bird@calbar.ca.gov, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

STIPULATION RE FACTS, CONCLUSION OF LAW, AND DISPOSITION

☐ By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

☐ By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

☐ By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

☐ By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☒ By Electronic Service: (CCP § 1010.6 and Rules of Proc. of State Bar, rule 5.26.2)

Based on rule 5.26.2, a court order, or an agreement of the parties to accept service by electronic transmission, I caused the above-named document(s) to be transmitted by electronic means to the person(s) at the electronic address(es) listed below. If there is a signature on the document(s), I am the signer of the document(s), I am the agent of, or I am serving the document(s) at the direction of, the signer of the document(s). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

☐ (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article _____ at Los Angeles, addressed to: (see below)
No.: _____

☐ (for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking _____ addressed to: (see below)
No.: _____

Person Served	Business Address	Fax Number	Courtesy Copy to:
ERIN M. JOYCE (Counsel for Respondent)			
		Electronic Address	
		erin@erinjoycelaw.com	
Person Served	Business Address	Fax Number	Courtesy Copy to:
RICHARD D. KAPLAN NINA MARINO (Counsel for Respondent)			
		Electronic Address	
		kaplan@kaplanmarino.com marino@kaplanmarino.com	

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

DATED: May 30, 2025

SIGNED: 

SANDRA BIRD
Declarant

In the Matter of: AARON SPOLIN	Case Number(s): SBC-24-O-30656; SBC-24-O-30844 (Cons.)
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DISBARMENT ORDER

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

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

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

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

June 17, 2025

Date


PHONG WANG
Judge of the State Bar Court

1 Erin Joyce, Esq., SBN 149946
ERIN JOYCE LAW, PC
2 117 East Colorado Boulevard, Suite 465
Pasadena, California 91105
3 Telephone: (626) 314-9050
Facsimile: (626) 210-4825
4 Email: erin@erinjoycelaw.com

5 Attorney for Respondent
AARON SPOLIN
6
7

FILED *mg*
12/10/2024
**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

8 THE STATE BAR COURT
9 HEARING DEPARTMENT - LOS ANGELES
10

11 In the Matter of:

12 AARON SPOLIN,
13 State Bar No. 310379,

14 An Attorney of the State Bar.
15

Case No.: SBC-24-O-30844

*(OCTC Case Nos. 23-O-15672, 23-O-16130,
23-O-23496 and 24-O-14431)*

**RESPONDENT AARON SPOLIN'S
RESPONSE TO NOTICE OF
DISCIPLINARY CHARGES**

16 Respondent Aaron Spolin hereby responds to the Notice of Disciplinary Charges filed
17 November 14, 2024. The Court granted an extension to December 9, 2024 in its Order Setting
18 Trial and Pretrial Dates for Respondent to file and serve his response.
19

20 **JURISDICTION**

21 Respondent admits that he was admitted to practice law in the State of California on June
22 23, 2016, that he was a licensed attorney at all times pertinent, and that he is currently a licensed
23 attorney of the State Bar of California.

24 **RESPONSE TO COUNT ONE**

25 OCTC Case No. 23-O-15672

26 Rules of Professional Conduct, Rule 1.4(b)

27 [Failure to Communicate in Order to Permit Client to Make Informed Decisions]
28

1 In response to Count One of the Notice of Disciplinary Charges, Respondent denies the
2 allegations therein.

3 **RESPONSE TO COUNT TWO**

4 OCTC Case No. 23-O-15672
5 Rules of Professional Conduct, Rule 2.1
6 [Failure to Render Candid Advice]

7 In response to Count Two of the Notice of Disciplinary Charges, Respondent denies the
8 allegations therein.

9 **RESPONSE TO COUNT THREE**

10 OCTC Case No. 23-O-15672
11 Rules of Professional Conduct, Rule 7.1(a)
12 [Misleading Communications Concerning Lawyer's Services]

13 In response to Count Three of the Notice of Disciplinary Charges, Respondent denies the
14 allegations therein.

15 **RESPONSE TO COUNT FOUR**

16 OCTC Case No. 23-O-15672
17 Rules of Professional Conduct, Rule 1.5(a)
18 [Unconscionable Fee]

19 In response to Count Four of the Notice of Disciplinary Charges, Respondent denies the
20 allegations therein.

21 **RESPONSE TO COUNT FIVE**

22 OCTC Case No. 23-O-16130
23 Rules of Professional Conduct, Rule 1.4(b)
24 [Failure to Communicate in Order to Permit Client to Make Informed Decisions]

25 In response to Count Five of the Notice of Disciplinary Charges, Respondent denies the
26 allegations therein.

27 **RESPONSE TO COUNT SIX**

28 OCTC Case No. 23-O-16130
Rules of Professional Conduct, Rule 2.1
[Failure to Render Candid Advice]

In response to Count Six of the Notice of Disciplinary Charges, Respondent denies the
allegations therein.

1 **RESPONSE TO COUNT SEVEN**

2 OCTC Case No. 23-O-130116130

3 Rules of Professional Conduct, Rule 7.1(a)

4 [Misleading Communications Concerning Lawyer's Services]

5 In response to Count Seven of the Notice of Disciplinary Charges, Respondent denies the
6 allegations therein.

7 **RESPONSE TO COUNT EIGHT**

8 OCTC Case No. 23-O-16130

9 Rules of Professional Conduct, Rule 1.5(a)

10 [Unconscionable Fee]

11 In response to Count Eight of the Notice of Disciplinary Charges, Respondent denies the
12 allegations therein.

13 **RESPONSE TO COUNT NINE**

14 OCTC Case No. 23-O-23496

15 Rules of Professional Conduct, Rule 1.4(b)

16 [Failure to Communicate in Order to Permit Client to Make Informed Decisions]

17 In response to Count Nine of the Notice of Disciplinary Charges, Respondent denies the
18 allegations therein.

19 **RESPONSE TO COUNT TEN**

20 OCTC Case No.23-O-23496

21 Rules of Professional Conduct, Rule 2.1

22 [Failure to Render Candid Advice]

23 In response to Count Ten of the Notice of Disciplinary Charges, Respondent denies the
24 allegations therein.

25 **RESPONSE TO COUNT ELEVEN**

26 OCTC Case No.23-O-23496

27 Rules of Professional Conduct, Rule 7.1(a)

28 [Misleading Communications Concerning Lawyer's Services]

29 In response to Count Eleven of the Notice of Disciplinary Charges, Respondent denies the
30 allegations therein.

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1 **RESPONSE TO COUNT TWELVE**

2 OCTC Case No. 23-O-23496
3 Rules of Professional Conduct, Rule 1.5(a)
4 [Unconscionable Fee]

5 In response to Count Twelve of the Notice of Disciplinary Charges, Respondent denies
6 the allegations therein.

7 **RESPONSE TO COUNT THIRTEEN**

8 OCTC Case No. 24-O-14431
9 Rules of Professional Conduct, Rule 1.4(b)
10 [Failure to Communicate in Order to Permit Client to Make Informed Decisions]

11 In response to Count Thirteen of the Notice of Disciplinary Charges, Respondent denies
12 the allegations therein.

13 **RESPONSE TO COUNT FOURTEEN**

14 OCTC Case No. 24-O-14431
15 Rules of Professional Conduct, Rule 2.1
16 [Failure to Render Candid Advice]

17 In response to Count Fourteen of the Notice of Disciplinary Charges, Respondent denies
18 the allegations therein.

19 **RESPONSE TO COUNT FIFTEEN**

20 OCTC Case No. 24-O-14431
21 Rules of Professional Conduct, Rule 7.1(a)
22 [Misleading Communications Concerning Lawyer's Services]

23 In response to Count Fifteen of the Notice of Disciplinary Charges, Respondent denies the
24 allegations therein.

25 **RESPONSE TO COUNT SIXTEEN**

26 OCTC Case No. 24-O-14431
27 Rules of Professional Conduct, Rule 1.5(a)
28 [Unconscionable Fee]

 In response to Count Sixteen of the Notice of Disciplinary Charges, Respondent denies
 the allegations therein.

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OCTC Case No. 24-O-14431

Rules of Professional Conduct, Rule 7.1(a)

[Misleading Communications Concerning Lawyer's Services]

In response to Count Seventeen of the Notice of Disciplinary Charges, Respondent denies the allegations therein.

RESPONSE TO COUNT EIGHTEEN

OCTC Case Nos. 23-O-15672, 23-O-16130, 23-O-23496, and 24-O-14431

Business and Professions Code section 6106

[Moral Turpitude]

In response to Count Eighteen of the Notice of Disciplinary Charges, Respondent denies the allegations therein.

FIRST AFFIRMATIVE DEFENSE

Count One of the Notice of Disciplinary Charges fails to state facts sufficient to constitute a claim for a violation of Rules of Professional Conduct, Rule 1.4(b) [Failure to Communicate in Order to Permit Client to Make Informed Decisions] in OCTC Case No. 23-O-15672.

SECOND AFFIRMATIVE DEFENSE

Count Two of the Notice of Disciplinary Charges fails to state facts sufficient to constitute a claim for a violation of Rules of Professional Conduct, Rule 2.1 [Failure to Render Candid Advice] in OCTC Case No. 23-O-15672.

THIRD AFFIRMATIVE DEFENSE

Count Three of the Notice of Disciplinary Charges fails to state facts sufficient to constitute a claim for a violation of Rules of Professional Conduct, Rule 7.1(a) [Misleading Communications Concerning Lawyer's Services] in OCTC Case No. 23-O-15672.

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1 **FOURTH AFFIRMATIVE DEFENSE**

2 Count Four of the Notice of Disciplinary Charges fails to state facts sufficient to
3 constitute a claim for a violation of Rules of Professional Conduct, Rule 1.5(a) [Unconscionable
4 Fee] in OCTC Case No. 23-O-15672.

5 **FIFTH AFFIRMATIVE DEFENSE**

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7 Count Five of the Notice of Disciplinary Charges fails to state facts sufficient to constitute
8 a claim for a violation of Rules of Professional Conduct, Rule 1.4(b) [Failure to Communicate in
9 Order to Permit Client to Make Informed Decisions] in OCTC Case No. 23-O-16130.

10 **SIXTH AFFIRMATIVE DEFENSE**

11 Count Six of the Notice of Disciplinary Charges fails to state facts sufficient to constitute
12 a claim for a violation of Rules of Professional Conduct, Rule 2.1 [Failure to Render Candid
13 Advice] in OCTC Case No. 23-O-16130.

14 **SEVENTH AFFIRMATIVE DEFENSE**

15
16 Count Seven of the Notice of Disciplinary Charges fails to state facts sufficient to
17 constitute a claim for a violation of Rules of Professional Conduct, Rule 7.1(a) [Misleading
18 Communications Concerning Lawyer's Services] in OCTC Case No. 23-O-16130.

19 **EIGHTH AFFIRMATIVE DEFENSE**

20
21 Count Eight of the Notice of Disciplinary Charges fails to state facts sufficient to
22 constitute a claim for a violation of Rules of Professional Conduct, Rule 1.5(a) [Unconscionable
23 Fee] in OCTC Case No. 23-O-16130.

24 **NINTH AFFIRMATIVE DEFENSE**

25 Count Nine of the Notice of Disciplinary Charges fails to state facts sufficient to
26 constitute a claim for a violation of Rules of Professional Conduct, Rule 1.4(b) in OCTC Case
27 No. 23-O-23496.
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TENTH AFFIRMATIVE DEFENSE

Count Ten of the Notice of Disciplinary Charges fails to state facts sufficient to constitute a claim for a violation of Rules of Professional Conduct, Rule 2.1 [Failure to Render Candid Advice] in OCTC Case No. 23-O-23496.

ELEVENTH AFFIRMATIVE DEFENSE

Count Eleven of the Notice of Disciplinary Charges fails to state facts sufficient to constitute a claim for a violation of Rules of Professional Conduct, Rule 7.1(a) [Misleading Communications Concerning Lawyer’s Services] in OCTC Case No. 23-O-23496.

TWELFTH AFFIRMATIVE DEFENSE

Count Twelve of the Notice of Disciplinary Charges fails to state facts sufficient to constitute a claim for a violation of Rules of Professional Conduct, Rule 1.5(a) [Unconscionable Fee] in OCTC Case No. 23-O-23496.

THIRTEENTH AFFIRMATIVE DEFENSE

Count Thirteen of the Notice of Disciplinary Charges fails to state facts sufficient to constitute a claim for a violation of Rules of Professional Conduct, Rule 1.4(b) [Failure to Communicate in Order to Permit Client to Make Informed Decisions] in OCTC Case No. 24-O-14431.

FOURTEENTH AFFIRMATIVE DEFENSE

Count Fourteen of the Notice of Disciplinary Charges fails to state facts sufficient to constitute a claim for a violation of Rules of Professional Conduct, Rule 2.1 [Failure to Render Candid Advice] in OCTC Case No. 24-O-14431.

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1 **FIFTEENTH AFFIRMATIVE DEFENSE**

2 Count Fifteen of the Notice of Disciplinary Charges fails to state facts sufficient to
3 constitute a claim for a violation of Rules of Professional Conduct, Rule 7.1(a) [Misleading
4 Communications Concerning Lawyer's Services] in OCTC Case No. 24-O-14431.
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6 **SIXTEENTH AFFIRMATIVE DEFENSE**

7 Count Sixteen of the Notice of Disciplinary Charges fails to state facts sufficient to
8 constitute a claim for a violation of Rules of Professional Conduct, Rule 1.5(a) [Unconscionable
9 Fee] in OCTC Case No. 24-O-14431.

10 **SEVENTEENTH AFFIRMATIVE DEFENSE**

11 Count Seventeen of the Notice of Disciplinary Charges fails to state facts sufficient to
12 constitute a claim for a violation of Rules of Professional Conduct, Rule 7.1(a) [Misleading
13 Communications Concerning Lawyer's Services] in OCTC Case No. 24-O-14431.
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15 **EIGHTEENTH AFFIRMATIVE DEFENSE**

16 Count Eighteen of the Notice of Disciplinary Charges fails to state facts sufficient to
17 constitute a claim for a violation of Business and Professions Code section 6106 [Moral
18 Turpitude] in OCTC Case Nos. 23-O-15672, 23-O-16130, 23-O-23496, and 24-O-14431.

19 Respectfully submitted,

20 ERIN JOYCE LAW, PC

21
22 Dated: December 9, 2024

By: 

Erin Joyce, Esq.

Attorney for Respondent AARON SPOLIN

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action. My business address is 117 East Colorado Boulevard, Suite
5 465, Pasadena, California 91105.

6 On December 9, 2024, I served the foregoing document described as
7 **RESPONDENT AARON SPOLIN'S RESPONSE TO NOTICE OF DISCIPLINARY**
8 **CHARGES** on the interested parties in this action by providing a true and correct copy as
9 follows:

9 Gail Mullikin, Trial Counsel
10 Cindy Chan, Trial Counsel
11 Office of Chief Trial Counsel
12 The State Bar of California
13 180 Howard Street
14 San Francisco, CA 94105
15 gail.mullikin@calbar.ca.gov
16 cindy.chan@calbar.ca.gov

The State Bar Court
Hon. Dennis G. Saab
Courtroom C
Hearing Department – Los Angeles
845 S. Figueroa Street, 3rd Floor
Los Angeles, CA 90017
CtroomC@statebarcourt.ca.gov

17 [] BY HAND DELIVERY/PERSONAL SERVICE (C.C.P. §1011 *et seq.*): I caused said
18 document to be personally delivered [by a courier] to each addressee.

19 [] BY FIRST-CLASS MAIL (C.C.P. §1013(a) *et seq.*): I placed each such sealed envelope,
20 with postage thereon fully prepaid for first-class mail, in the United States mail *or* for collection
21 and mailing at the Law Office of Erin Joyce, following ordinary business practices. I am readily
22 familiar with the practice of the Law Office of Erin Joyce for collection and processing of mail,
23 said practice being that in the ordinary course of business, mail is deposited in the United States
24 Postal Service on the same day as it is placed for collection.

25 [X] BY ELECTRONIC TRANSMISSION: I caused a copy of the document to be sent from e-
26 mail address debbie@erinjoycelaw.com to the above-named parties at the e-mail address and/or
27 fax number given. I did not receive, within a reasonable time after the transmission, an electronic
28 message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on December 9, 2024, at Pasadena, California.

26 
27 Debra L. Vien

Public Matter

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
GEORGE S. CARDONA, No. 135439
CHIEF TRIAL COUNSEL
CHRISTOPHER G. JAGARD, No. 191147
DEPUTY CHIEF TRIAL COUNSEL
KEVIN B. TAYLOR, No. 151715
ASSISTANT CHIEF TRIAL COUNSEL
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Los Angeles, California 90017-2515
Telephone: (213) 765-1292

FILED *J.H.*

11/14/2024

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

THE STATE BAR COURT

HEARING DEPARTMENT – LOS ANGELES

In the Matter of:	)	Case No. SBC-24-O-30844
)	
AARON SPOLIN,	)	NOTICE OF DISCIPLINARY CHARGES
State Bar No. 310379,	)	(OCTC Case Nos. 23-O-15672, 23-O-16130,
	)	23-O-23496 and 24-O-14431)
An Attorney of the State Bar.)	

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE; AND**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT AND MAY
RECOMMEND THE IMPOSITION OF MONETARY SANCTIONS
WITHOUT FURTHER HEARING OR PROCEEDING. (SEE RULES
PROC. OF STATE BAR, RULES 5.80 ET SEQ. & 5.137.)**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Aaron Spolin (“respondent”) was admitted to the practice of law in the State of
4 California on June 23, 2016. Respondent currently is, and at all times relevant to these charges
5 was, a licensed attorney of the State Bar of California.

6 GENERAL BACKGROUND

7 2. California Assembly Bill 2942 (“AB2942”) was passed into law in 2018 and
8 effectively amended section 1170(d)(1) of the California Penal Code to allow the court to recall
9 and resentence a defendant upon the recommendation of the district attorney of the county in
10 which the defendant was sentenced. Prior to passage of AB2942, section 1170(d)(1) authorized
11 the court to recall a sentence and impose a lesser sentence only upon the recommendation of the
12 Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings in
13 the case of state prison inmates, or the county correctional administrator in the case of county jail
14 inmates.

15 3. After the amendment of section 1170(d)(1) of the California Penal Code by
16 AB2942, respondent charged clients for case reviews regarding post-conviction relief, after such
17 reviews recommended to clients and charged clients for the preparation and submission to
18 prosecutors of letters and other documents requesting resentencing pursuant to amended section
19 1170(d)(1). In particular, respondent recommended to clients and charged clients for the
20 preparation and submission to the Los Angeles District Attorney’s Office (“LADA”) of multiple
21 letters and other documents requesting resentencing pursuant to amended section 1170(d)(1).

22 4. Between February 2021 and April of 2021, respondent received no fewer than
23 nine letters from the LADA in which the LADA advised respondent that resentencing requests
24 made on behalf of criminal defendants pursuant to AB2942 would not be acted upon because the
25 LADA was in the process of establishing its own “new unit” to evaluate cases for resentencing.
26 The letters advised respondent that the LADA was prioritizing cases for review under the law.
27 The letters further advised respondent to consult the LADA website, which provided
28 information, including answers to frequently asked questions (“FAQs”), regarding the types of

1 cases and convictions that were being prioritized for review. The letters advised respondent that
2 “there was no need to take any action to be considered for resentencing, other than to check the
3 website for updates.”

4 5. As of no later than February 2021, the LADA website identified the “priority
5 criteria” the LADA used to consider a case for resentencing under AB2942. The website stated
6 that adults whose cases fit all of the following criteria would be prioritized for review: (1) age 50
7 and older; (2) sentenced to 20 years or more; (3) served a minimum of ten years in custody; (4)
8 serving a sentence for a non-serious or non-violent felony [serious and violent felonies are
9 defined in Penal Code section 1192.7(c) and Penal Code section 667.5(c)]; (5) has not suffered a
10 prior conviction for a “super strike,” as defined in Penal Code section 667(e)(2)(c)(IV); and (6) is
11 not a sex offender registrant. The LADA website specifically stated in its FAQs section that the
12 LADA “cannot accept calls, emails, letters, or other submissions regarding individual cases” and
13 that “a lawyer cannot initiate or accelerate the review process for an individual case.”

14 6. The at least nine letters respondent received from the LADA between February
15 2021 and April 2021 placed respondent on notice that applications for relief pursuant to AB2942
16 presented to the LADA on behalf of criminal defendants were unnecessary and would not
17 meaningfully affect the criminal defendant’s sentence.

18 BACKGROUND FACTS ON OCTC CASE NO. 23-O-15672

19 7. On or about June 13, 2005, Joel Robinson (“Robinson”), defendant in the criminal
20 matter *People of the State of California v. Joel Deandre Robinson*, Case No. BA274025, Los
21 Angeles County Superior Court, was sentenced to 28 years, for felony convictions of shooting at
22 an occupied vehicle, two counts of assault with a firearm, unlawful possession of a firearm, and
23 carrying a concealed weapon, with enhancements including those related to gang activities.

24 8. In or about December 2020, Robinson and his wife, Anne Gonzales (“Gonzales”)
25 hired respondent, on Robinson’s behalf, to conduct a case review of Robinson’s legal options
26 regarding post-conviction relief. The case review did not include drafting, submitting, or filing
27 any requests for post-conviction relief. Robinson and Gonzales paid respondent \$3,000 for the
28 case review in December 2020.

1 9. Robinson, who had been convicted of a serious felony, did not meet the “priority
2 criteria” published by the LADA on its website no later than February 2021 and used by it to
3 consider a case for resentencing under AB2942.

4 10. In respondent’s written case review for Robinson, which was sent to Robinson on
5 or about February 16, 2021, respondent stated that he “strongly recommended” that Robinson
6 pursue resentencing under AB2942. The case review did not inform Robinson that based on
7 Robinson’s serious felony conviction, Robinson fell outside the “priority criteria” applied by the
8 LADA in determining which, if any, cases it would consider for resentencing under AB2942.
9 The case review also did not inform Robinson that respondent had previously received letters
10 from the LADA informing him that there was no need for any person seeking resentencing to
11 take any action to be considered for resentencing, other than to check the LADA website for
12 updates. Nor did the case review inform Robinson that the LADA website indicated that the
13 LADA was not accepting calls, emails, letters, or other submissions regarding individual cases
14 seeking relief under AB2942.

15 11. On or about March 12, 2021, Robinson and Gonzales hired respondent to
16 represent Robinson in submitting to the LADA a request for resentencing under AB2942.
17 Respondent charged Robinson and Gonzales \$14,800 for the legal service, including a credit of
18 \$3,000 for the legal fee they had paid for the case review. Robinson and Gonzales paid
19 respondent the additional \$11,800 between on or about March 12, 2021, and in or about June
20 2021.

21 12. During the time respondent represented Robinson, neither respondent nor anyone
22 else from respondent’s law firm informed either Robinson or Gonzales of any of the following:
23 (a) based on Robinson’s serious felony conviction, Robinson fell outside the “priority criteria”
24 applied by the LADA in determining which, if any, cases it would consider for resentencing
25 under AB2942; (b) respondent had previously received numerous letters from the LADA
26 informing him that there was no need for any person seeking resentencing to take any action to
27 be considered for resentencing, other than to check the LADA website for updates; or (c) the

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1 LADA website indicated that the LADA was not accepting calls, emails, letters, or other
2 submissions regarding individual cases seeking relief under AB2942.

3 13. On or about September 24, 2021, respondent submitted to the LADA a request for
4 resentencing under AB2942 on Robinson's behalf. On or about November 14, 2022, the LADA
5 advised respondent, in writing, that Robinson's request for resentencing had been denied because
6 Robinson did not meet the LADA's priority criteria for resentencing under AB2942. On or
7 about February 1, 2023, respondent submitted to the LADA an additional request for
8 resentencing under AB2942 on Robinson's behalf. Thereafter, in or about February 2023,
9 respondent sent an e-mail message to Robinson and Gonzales advising them that the LADA had
10 denied Robison's request for resentencing under AB2942.

11 COUNT ONE
12 OCTC Case No. 23-O-15672
13 Rules of Professional Conduct, Rule 1.4(b)
14 [Failure to Communicate in Order to Permit Client to Make Informed Decisions]

14 14. Paragraphs 2 through 13 above are incorporated by reference.

15 15. Beginning in or about December 2020, and continuing through February 2023, in
16 soliciting and accepting employment and the payment of fees from Robinson and Gonzales for
17 the preparation of Robinson's case review and the preparation and submission to the LADA of a
18 request for resentencing relief under AB2942, respondent failed to communicate and explain a
19 matter to the extent reasonably necessary to permit Robinson and Gonzales to make an informed
20 decision regarding representation by respondent, in willful violation of Rules of Professional
21 Conduct, rule 1.4(b), by failing to inform Robinson and Gonzales of the following:

22 a. Robinson's case did not fall within the "priority criteria" the LADA
23 applied in its consideration of AB2942 resentencing matters;

24 b. respondent had been given notice by the LADA that there was no need for
25 criminal defendants to take any action to be considered for resentencing and that the LADA
26 would independently identify the cases it would prioritize for resentencing consideration under
27 AB2942;

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1 c. the LADA website specifically stated that the LADA was not accepting
2 calls, emails, letters, or other submissions regarding individual cases seeking relief under
3 AB2942;

4 d. respondent had not successfully obtained resentencing relief on behalf of
5 any individual under AB2942; and

6 e. based upon all of the above, Robinson's employment of respondent was
7 unlikely to result in Robinson obtaining meaningful relief under AB2942 from the LADA.

8 COUNT TWO
9 OCTC Case No. 23-O-15672
10 Rules of Professional Conduct, Rule 2.1
[Failure to Render Candid Advice]

11 16. Paragraphs 2 through 13 above are incorporated by reference.

12 17. Beginning in or about December 2020, and continuing through February 2023, in
13 representing Robinson, respondent failed to render candid advice to Robinson, in willful
14 violation of Rules of Professional Conduct, rule 2.1, by failing to inform Robinson and Gonzales
15 of the following:

16 a. Robinson's case did not fall within the "priority criteria" the LADA
17 applied in its consideration of AB2942 resentencing matters;

18 b. respondent had been given notice by the LADA that there was no need for
19 criminal defendants to take any action to be considered for resentencing and that the LADA
20 would independently identify the cases it would prioritize for resentencing consideration under
21 AB2942;

22 c. the LADA website specifically stated that the LADA was not accepting
23 calls, emails, letters, or other submissions regarding individual cases seeking relief under
24 AB2942;

25 d. respondent had not successfully obtained resentencing relief on behalf of
26 any individual under AB2942; and

27 e. based upon all of the above, Robinson's employment of respondent was
28 unlikely to result in Robinson obtaining meaningful relief under AB2942 from the LADA.

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COUNT THREE
OCTC Case No. 23-O-15672
Rules of Professional Conduct, Rule 7.1(a)
[Misleading Communications Concerning Lawyer's Services]

18. Paragraphs 2 through 13 above are incorporated by reference.

19. Beginning in or about December 2020, and continuing through February 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent made and caused to be made to Robinson and Gonzales communications about legal services for which respondent sought and obtained payment that were misleading in that, to encourage a false impression that respondent would be able to achieve meaningful benefit for Robinson under AB2942 if Robinson and Gonzales employed respondent, the communications omitted the following facts necessary to make the communications considered as a whole not materially misleading:

a. Robinson's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

b. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

c. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

d. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

e. based upon all of the above, Robinson's employment of respondent was unlikely to result in Robinson obtaining meaningful relief under AB2942 from the LADA.

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COUNT FOUR
OCTC Case No. 23-O-15672
Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

20. Paragraphs 2 through 13 above are incorporated by reference.

1 21. Beginning in or about December 2020, and continuing through February 2023, in
2 willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent entered into an
3 agreement for, charged, and collected a fee of \$14,800 from Robinson and Gonzales to perform
4 legal services on behalf of Robinson, namely to prepare a case review and prepare and submit a
5 request for relief under AB2942 to the LADA, which was unconscionable based on all the facts
6 and circumstances existing during the time respondent represented Robinson, including in
7 particular but not limited to the following:

8 a. respondent's failure to disclose to Robinson and Gonzales the following
9 material facts:

- 10 i. Robinson did not fall within the "priority criteria" the LADA
11 applied in its consideration of AB2942 resentencing matters;
12 ii. respondent had been given notice by the LADA that there was no
13 need for criminal defendants to take any action to be considered
14 for resentencing and that the LADA would independently identify
15 the cases it would prioritize for resentencing consideration under
16 AB2942;
17 iii. the LADA website specifically stated that the LADA was not
18 accepting calls, emails, letters, or other submissions regarding
19 individual cases seeking relief under AB2942;
20 iv. respondent had not successfully obtained resentencing relief on
21 behalf of any individual under AB2942; and
22 v. based upon the above, Robinson's employment of respondent was
23 unlikely to result in Robinson obtaining meaningful relief under
24 AB2942 from the LADA;

25 b. the fee lacked Robinson and Gonzales's informed consent;

26 c. the fee was disproportionate to the value of the legal services respondent
27 provided;

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1 d. the fee was the product of respondent taking unfair advantage of his
2 superior position over Robinson and Gonzales; and

3 e. the legal services did not result in any meaningful benefit to Robinson.

4 BACKGROUND FACTS ON OCTC CASE NO. 23-O-16130

5 22. On or about February 6, 2004, Wesner Charles, Jr. (“Charles”), defendant in the
6 criminal matter *People of the State of California v. Wesner Charles, Jr.*, Case No. BA239064,
7 Los Angeles County Superior Court, was sentenced to 27 years, six months to life in prison for
8 felony convictions of attempted carjacking and robbery.

9 23. In or about January 2021, Charles and his sister, Stephanie Charles (“Stephanie”),
10 and his mother, Marie Charles (“Marie”), hired respondent, on Charles’s behalf, to conduct a
11 case review of Charles’s legal options regarding post-conviction relief. The case review did not
12 include drafting, submitting, or filing any requests for post-conviction relief. Charles, Stephanie,
13 and Maria paid respondent \$3,000 for the case review in January 2021.

14 24. Charles, who had been convicted of serious and violent felonies, did not meet the
15 “priority criteria” published by the LADA on its website and used by it to consider a case for
16 resentencing under AB2942.

17 25. In respondent’s written case review for Charles, which was sent to Charles on or
18 about March 2, 2021, respondent stated that he “strongly recommended” that Charles pursue
19 resentencing under AB2942. The case review did not inform Charles that based on Charles’s
20 violent and serious felony convictions, Charles fell outside the “priority criteria” applied by the
21 LADA in determining which, if any, cases it would consider for resentencing under AB2942.
22 The case review also did not inform Charles that respondent had previously received letters from
23 the LADA informing him that there was no need for any person seeking resentencing to take any
24 action to be considered for resentencing, other than to check the LADA website for updates. Nor
25 did the case review inform Charles that the LADA website indicated that the LADA was not
26 accepting calls, emails, letters, or other submissions regarding individual cases seeking relief
27 under AB2942.

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26. Thereafter, Charles requested that respondent meet with him. Respondent did not do so. Instead, Jeremy Cutcher (“Cutcher”), an attorney at respondent’s law firm, spoke with Charles. Cutcher told Charles that Charles should pursue relief under AB2942 because that will “get him out” in six to eight months, while a habeas petition would take longer.

27. During the time that respondent solicited and represented Charles, neither respondent nor Cutcher nor anyone else from respondent's firm informed Charles, Stephanie, or Marie of any of the following: (a) based on Charles's violent and serious felony convictions, Charles fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it would consider for resentencing under AB2942; (b) respondent had previously received numerous letters from the LADA informing him that there was no need for any person seeking resentencing to take any action to be considered for resentencing, other than to check the LADA website for updates; or (c) the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

28. On or about March 5, 2021, Charles, Stephanie, and Marie hired respondent to represent Charles in submitting to the LADA a request for resentencing under AB2942 and to the California Governor an application for commutation of sentence. Respondent charged Charles and Stephanie \$19,000 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. At least \$8,000 of the additional \$16,000 fee was for the AB2942 application. Charles, Stephanie, and Marie paid respondent the additional \$16,000 between on or about March 12, 2021 and on or about September 15, 2021.

29. In or about October 2021, respondent submitted to the LADA a request for resentencing under AB2942 on Charles's behalf. On or about November 14, 2022, the LADA advised respondent that his recommendation for resentencing had been declined, citing to the fact that Charles did not meet the minimum requirements for resentencing consideration.

COUNT FIVE

OCTC Case No. 23-O-16130

Rules of Professional Conduct, Rule 1.4(b)

[Failure to Communicate in Order to Permit Client to Make Informed Decisions]

30. Paragraphs 2 through 6 and 22 through 29 above are incorporated by reference.

1 31. Beginning in or about January 2021, and continuing through November 2022, in
2 soliciting and accepting employment and the payment of fees from Charles, Stephanie, and
3 Marie, for the preparation of Charles’s case review and the preparation and submission to the
4 LADA of a request for resentencing relief under AB2942, respondent failed to communicate and
5 explain a matter to the extent reasonably necessary to permit Charles, Stephanie, and Marie to
6 make an informed decision regarding representation by respondent, in willful violation of Rules
7 of Professional Conduct, rule 1.4(b), by:

8 a. failing to inform Charles, Stephanie, and Marie of the following:

- 9 i. Charles’s case did not fall within the “priority criteria” the LADA
10 applied in its consideration of AB2942 resentencing matters;
11 ii. respondent had been given notice by the LADA that there was no need
12 for criminal defendants to take any action to be considered for
13 resentencing and that the LADA would independently identify the
14 cases it would prioritize for resentencing consideration under AB2942;
15 iii. the LADA website specifically stated that the LADA was not
16 accepting calls, emails, letters, or other submissions regarding
17 individual cases seeking relief under AB2942;
18 iv. respondent had not successfully obtained resentencing relief on behalf
19 of any individual under AB2942;
20 v. based upon all of the above, Charles’s employment of respondent was
21 unlikely to result in Charles obtaining meaningful relief under AB2942
22 from the LADA; and

23 b. advising Charles, through Cutcher, that Charles should pursue relief under
24 AB2942 before pursuing habeas relief, because that would “get him out” in six to eight months,
25 which advice was unreasonable and misleading based upon all of the above.

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COUNT SIX
OCTC Case No. 23-O-16130
Rules of Professional Conduct, Rule 2.1
[Failure to Render Candid Advice]

32. Paragraphs 2 through 6 and 22 through 29 above are incorporated by reference.

33. Beginning in or about January 2021, and continuing through November 2022, in representing Charles, respondent failed to render candid advice to Charles, in willful violation of Rules of Professional Conduct, rule 2.1, by:

a. failing to inform Charles, Stephanie, and Marie of the following:

i. Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

ii. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

iii. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

iv. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

v. based upon all of the above, Charles's employment of respondent was unlikely to result in Charles obtaining meaningful relief under AB2942 from the LADA.

b. failing to render candid advice to Charles in that Cutcher's statement that Charles should pursue relief under AB2942 because that will "get him out" in six to eight months was unreasonable and misleading based upon all of the above.

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COUNT SEVEN
OCTC Case No. 23-O-16130
Rules of Professional Conduct, Rule 7.1(a)
[Misleading Communications Concerning Lawyer's Services]

34. Paragraphs 2 through 6 and 22 through 29 above are incorporated by reference.

35. Beginning in or about January 2021, and continuing through November 2022, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent made and caused to be made to Charles, Stephanie, and Marie communications about legal services for which respondent sought and obtained payment that were misleading in that, to encourage a false impression that respondent would be able to achieve meaningful benefit for Charles under AB2942 if Charles, Stephanie, and Marie employed respondent, the communications:

a. omitted the following facts necessary to make the communications considered as a whole not materially misleading:

- i. Charles's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;
- ii. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;
- iii. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;
- iv. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and
- v. based upon all of the above, Charles's employment of respondent was unlikely to result in Charles obtaining meaningful relief under AB2942 from the LADA;

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1 b. advised Charles, through Cutcher, that Charles should pursue relief under
2 AB2942 before pursuing habeas relief, because that would “get him out” in six to eight months,
3 which advice was unreasonable and misleading based upon all of the above.

4 COUNT EIGHT
5 OCTC Case No. 23-O-16130
6 Rules of Professional Conduct, Rule 1.5(a)
7 [Unconscionable Fee]

8 36. Paragraphs 2 through 6 and 22 through 29 above are incorporated by reference.

9 37. Beginning in or about January 2021, and continuing through November 2022, in
10 willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent entered into an
11 agreement for, charged, and collected a fee of \$19,000 from Charles, Stephanie, and Marie to
12 perform legal services on behalf of Charles, namely to prepare and submit a request for relief
13 under AB2942 to the LADA, and to prepare and submit the California Governor an application
14 for commutation of sentence to the California Governor, the portion of which fee attributable to
15 the AB2942 request, not less than \$11,000, was unconscionable based on all the facts and
16 circumstances existing during the time respondent represented Charles, including in particular
17 but not limited to the following:

18 a. respondent’s failure to disclose to Charles, Stephanie, and Marie the
19 following material facts:

- 20 i. Charles did not fall within the “priority criteria” the LADA applied in
21 its consideration of AB2942 resentencing matters;
22 ii. respondent had been given notice by the LADA that there was no need
23 for criminal defendants to take any action to be considered for
24 resentencing and that the LADA would independently identify the
25 cases it would prioritize for resentencing consideration under AB2942;
26 iii. the LADA website specifically stated that the LADA was not
27 accepting calls, emails, letters, or other submissions regarding
28 individual cases seeking relief under AB2942;

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- 1 iv. respondent had not successfully obtained resentencing relief on behalf
2 of any individual under AB2942; and
- 3 v. based upon the above, Charles’s employment of respondent was
4 unlikely to result in Charles obtaining meaningful relief under AB2942
5 from the LADA;
- 6 b. the fee lacked Charles, Stephanie, and Marie’s informed consent;
- 7 c. the fee was disproportionate to the value of the legal services respondent
8 provided;
- 9 d. the fee was the product of respondent taking unfair advantage of his
10 superior position over Charles, Stephanie, and Marie, including, but not limited to, Cutcher’s
11 representation that Charles should pursue relief under AB2942 before pursuing habeas relief,
12 because that would “get him out” in six to eight months, which advice was unreasonable and
13 misleading based on all of the above, and;
- 14 e. the legal services did not result in any meaningful benefit to Charles.

15 BACKGROUND FACTS ON OCTC CASE NO. 23-O-23496

16 38. On or about June 20, 2005, Bernardo Martinez (“Martinez”), defendant in the
17 criminal matter *People of the State of California v. Bernardo Martinez*, Case No. BA269182,
18 Los Angeles County Superior Court, was sentenced to 39 years and 4 months for convictions of
19 five counts of first degree robbery, one count of second degree robbery, one count of being a
20 felon in possession of a firearm, and one count of assault with a deadly weapon or by means of
21 force likely to produce great bodily injury. Further, the jury found that Martinez was armed with
22 a firearm during the commission of the robberies. Martinez was also found to have had a prior
23 juvenile adjudication that constituted as a strike under the Three Strikes Law (P.C. 667(b)-(i);
24 1170.12)

25 39. On or about April 27, 2022, Martinez’s wife, Tina Marie Martinez (“Tina”), hired
26 respondent, on Martinez’s behalf, to conduct a case review of Martinez’s legal options regarding
27 post-conviction relief. The case review did not include drafting, submitting, or filing any
28 requests for post-conviction relief. Prior to hiring respondent for the case review, Tina spoke

1 only with respondent's non-attorney case manager. Tina paid respondent \$3,000 for the case
2 review on or about May 20, 2022.

3 40. Martinez, who had been convicted of serious and violent felonies, did not meet
4 the "priority criteria" published by the LADA on its website and used by it to consider a case for
5 resentencing under AB2942.

6 41. In respondent's written case review for Martinez, which was sent to Martinez on
7 or about July 25, 2022, respondent stated that "a very compelling case" could be made that
8 Martinez should be resentenced under AB2942. Respondent stated in the case review that
9 Martinez had previously submitted an Application for Resentencing under AB2942, but
10 nonetheless recommended that Martinez retain counsel to file a supplemental application or a
11 new application. The case review did not inform Martinez that based on Martinez's violent and
12 serious felony convictions, Martinez fell outside the "priority criteria" applied by the LADA in
13 determining which, if any, cases it would consider for resentencing under AB2942. The case
14 review also did not inform Martinez that respondent had previously received at least nine letters
15 from the LADA between February 2021 and April 2021 informing him that there was no need
16 for any person seeking resentencing to take any action to be considered for resentencing, other
17 than to check the LADA website for updates. Nor did the case review inform Martinez that the
18 LADA website indicated that the LADA was not accepting calls, emails, letters, or other
19 submissions regarding individual cases seeking relief under AB2942.

20 42. On or about July 28, 2022, Jeremy Cutcher ("Cutcher"), an attorney at
21 respondent's law firm, spoke with Tina regarding the case review.

22 43. During the time that respondent solicited and represented Martinez, neither
23 respondent nor Cutcher nor anyone else from respondent's firm informed either Martinez or Tina
24 of any of the following: (a) based on Martinez's violent and serious felony convictions, Martinez
25 fell outside the "priority criteria" applied by the LADA in determining which, if any, cases it
26 would consider for resentencing under AB2942; (b) respondent had previously received
27 numerous letters from the LADA informing him that there was no need for any person seeking
28 resentencing to take any action to be considered for resentencing, other than to check the LADA

website for updates; or (c) the LADA website indicated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942.

44. On or about November 17, 2022, Martinez, with Tina as his representative, hired respondent to represent Martinez in submitting to the LADA a request for resentencing under AB2942. Respondent charged Martinez \$14,500 for the legal service, including a credit of \$3,000 for the legal fee they had paid for the case review. Tina paid respondent the additional \$11,500 between on or about November 21, 2022, and on or about February 27, 2023.

45. On or about July 21, 2023, before respondent submitted an AB2942 application on behalf of Martinez, Tina sent an email to respondent and asked that they put all work on hold and to issue a full refund after she independently discovered that Martinez did not qualify for AB2942 relief. Respondent was terminated before ever submitting an AB2942 application on behalf of Martinez. Between September 14, 2023, and January 9, 2024, respondent's firm refunded Martinez and Tina the \$11,500 paid for the AB2942 application over the course of five payments.

COUNT NINE

OCTC Case No. 23-O-23496

Rules of Professional Conduct, Rule 1.4(b)

[Failure to Communicate in Order to Permit Client to Make Informed Decisions]

46. Paragraphs 2 through 6 and 38 through 45 above are incorporated by reference.

47. Beginning on or about April 27, 2022, and continuing through on or about July 21, 2023, in soliciting and accepting employment and the payment of fees from Martinez and Tina for the preparation of Martinez's case review and the preparation and submission to the LADA of a request for resentencing relief under AB2942, respondent failed to communicate and explain a matter to the extent reasonably necessary to permit Martinez and Tina to make an informed decision regarding representation by respondent, in willful violation of Rules of Professional Conduct, rule 1.4(b), by failing to inform Martinez and Tina of the following:

a. Martinez's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

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1 b. respondent had been given notice by the LADA that there was no need for
2 criminal defendants to take any action to be considered for resentencing and that the LADA
3 would independently identify the cases it would prioritize for resentencing consideration under
4 AB2942;

5 c. the LADA website specifically stated that the LADA was not accepting
6 calls, emails, letters, or other submissions regarding individual cases seeking relief under
7 AB2942;

8 d. respondent had not successfully obtained resentencing relief on behalf of
9 any individual under AB2942; and

10 e. based upon all of the above, Martinez's employment of respondent was
11 unlikely to result in Martinez obtaining meaningful relief under AB2942 from the LADA.

12 COUNT TEN
13 OCTC Case No. 23-O-23496
14 Rules of Professional Conduct, Rule 2.1
 [Failure to Render Candid Advice]

15 48. Paragraphs 2 through 6 and 38 through 45 above are incorporated by reference.

16 49. Beginning on or about April 27, 2022, and continuing through on or about July
17 21, 2023, in representing Martinez, respondent failed to render candid advice to Martinez, in
18 willful violation of Rules of Professional Conduct, rule 2.1, by failing to inform Martinez and
19 Tina of the following:

20 a. Martinez's case did not fall within the "priority criteria" the LADA
21 applied in its consideration of AB2942 resentencing matters;

22 b. respondent had been given notice by the LADA that there was no need for
23 criminal defendants to take any action to be considered for resentencing and that the LADA
24 would independently identify the cases it would prioritize for resentencing consideration under
25 AB2942;

26 c. the LADA website specifically stated that the LADA was not accepting
27 calls, emails, letters, or other submissions regarding individual cases seeking relief under
28 AB2942;

d. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

e. based upon all of the above, Martinez's employment of respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942 from the LADA.

COUNT ELEVEN
OCTC Case No. 23-O-23496
Rules of Professional Conduct, Rule 7.1(a)
[Misleading Communications Concerning Lawyer's Services]

50. Paragraphs 2 through 6 and 38 through 45 above are incorporated by reference.

51. Beginning on or about April 27, 2022, and continuing through on or about July 21, 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent made and caused to be made to Martinez and Tina communications about legal services for which respondent sought and obtained payment that were misleading in that, to encourage a false impression that respondent would be able to achieve meaningful benefit for Martinez under AB2942 if Martinez and Tina employed respondent, the communications omitted the following facts necessary to make the communications considered as a whole not materially misleading:

a. Martinez's case did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;

b. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;

c. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

d. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and

e. based upon all of the above, Martinez's employment of respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942 from the LADA.

COUNT TWELVE
OCTC Case No. 23-O-23496
Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

52. Paragraphs 2 through 6 and 38 through 45 above are incorporated by reference.

53. Beginning on or about April 27, 2022, and continuing through on or about July 21, 2023, in willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent entered into an agreement for, charged, and collected a fee of \$14,500 from Martinez and Tina to perform legal services on behalf of Martinez, namely to prepare a case review and to prepare and submit a request for relief under AB2942 to the LADA, which fee was unconscionable based on all the facts and circumstances existing during the time respondent represented Martinez, including in particular but not limited to the following:

a. respondent's failure to disclose to Martinez and Tina the following material facts:

- i. Martinez did not fall within the "priority criteria" the LADA applied in its consideration of AB2942 resentencing matters;
- ii. respondent had been given notice by the LADA that there was no need for criminal defendants to take any action to be considered for resentencing and that the LADA would independently identify the cases it would prioritize for resentencing consideration under AB2942;
- iii. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;
- iv. respondent had not successfully obtained resentencing relief on behalf of any individual under AB2942; and
- v. based upon the above, Martinez's employment of respondent was unlikely to result in Martinez obtaining meaningful relief under AB2942 from the LADA;

b. the fee lacked Martinez and Tina's informed consent;

1 c. the fee was disproportionate to the value of the legal services respondent
2 provided;

3 d. the fee was the product of respondent taking unfair advantage of his
4 superior position over Martinez and Tina; and

5 e. the legal services did not result in any meaningful benefit to Martinez.

6 BACKGROUND FACTS ON OCTC CASE NO. 24-O-14431

7 54. On or about February 24, 2004, Demetrius Johnson (“Johnson”), defendant in the
8 criminal matter *People of the State of California v. Demetrius Johnson et. al.*, Case No.
9 NA056412, Los Angeles County Superior Court, was sentenced to 41 years after Johnson was
10 found guilty of 18 counts of armed robbery with use of a firearm in each count.

11 55. On or about December 16, 2021, Johnson’s fiancé at the time and client
12 representative, Chimera Robinson (“Chimera”), hired respondent, on Johnson’s behalf, to
13 conduct a case review of Johnson’s legal options regarding post-conviction relief. The case
14 review did not include drafting, submitting, or filing any requests for post-conviction relief.
15 Prior to hiring respondent for the case review, Chimera communicated only with respondent’s
16 non-attorney employees. Johnson and Chimera paid respondent \$3,000 for the case review on or
17 about December 17, 2021.

18 56. Johnson, who had been convicted of serious and violent felonies, did not meet the
19 “priority criteria” published by the LADA on its website and used by it to consider a case for
20 resentencing under AB2942.

21 57. In respondent’s written case review for Johnson, which was emailed to Chimera
22 on or about February 28, 2022, respondent advised and recommended that Johnson seek
23 resentencing pursuant to AB2942. The case review did not inform Johnson or Chimera that
24 based on Johnson’s violent and serious felony convictions, Johnson fell outside the “priority
25 criteria” applied by the LADA in determining which, if any, cases it would consider for
26 resentencing under AB2942. The case review also did not inform Johnson or Chimera that
27 respondent had previously received at least nine letters from the LADA between February 2021
28 and April 2021 informing him that there was no need for any person seeking resentencing to take

1 any action to be considered for resentencing, other than to check the LADA website for updates.
2 The case review did not inform Johnson or Chimera that the LADA website indicated that the
3 LADA was not accepting calls, emails, letters, or other submissions regarding individual cases
4 seeking relief under AB2942.

5 58. On or about February 28, 2022, respondent spoke with Chimera regarding the
6 case review. Respondent quoted a legal fee of \$11,700 to \$14,700 to seek a commutation and an
7 additional \$11,700 to \$14,700 to pursue an AB2942 application.

8 59. During the time respondent solicited and represented Johnson, neither respondent
9 nor anyone at respondent's law firm informed Johnson or Chimera of any of the following: (a)
10 based on Johnson's violent and serious felony convictions, Johnson fell outside the "priority
11 criteria" applied by the LADA in determining which, if any, cases it would consider for
12 resentencing under AB2942; (b) respondent had previously received numerous letters from the
13 LADA informing him that there was no need for any person seeking resentencing to take any
14 action to be considered for resentencing, other than to check the LADA website for updates; or
15 (c) the LADA website indicated that the LADA was not accepting calls, emails, letters, or other
16 submissions regarding individual cases seeking relief under AB2942.

17 60. On or about March 1, 2022, Johnson and Chimera, as Johnson's representative,
18 hired respondent to represent Johnson in seeking post-conviction relief in the form of an
19 application for commutation and an application for resentencing under AB2942. Respondent
20 charged Johnson \$21,700 for the legal services, including a credit of \$3,000 for the legal fee
21 Johnson and Chimera had paid for Johnson's case review. Johnson and Chimera paid respondent
22 the additional \$18,700 on that same day.

23 61. On or about November 29, 2022, respondent submitted to the LADA a request for
24 resentencing pursuant to AB2942 on behalf of Johnson.

25 62. Respondent's representation of Johnson concluded in or about December 2023.
26 Johnson did not obtain resentencing relief, nor was his sentence commuted.

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63. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

a. Johnson’s case did not fall within the “priority criteria” the LADA applied in its consideration of AB2942 resentencing matters;

c. the LADA website specifically stated that the LADA was not accepting calls, emails, letters, or other submissions regarding individual cases seeking relief under AB2942;

e. based upon all of the above, Johnson's employment of respondent was unlikely to result in Johnson obtaining meaningful relief under AB2942 from the LADA.

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1 66. Beginning on or about December 16, 2021, and continuing through in or about
2 December 2023, in representing Johnson, respondent failed to render candid advice to Johnson,
3 in willful violation of Rules of Professional Conduct, rule 2.1, by failing to inform Johnson and
4 Chimera of the following:

5 a. Johnson's case did not fall within the "priority criteria" the LADA applied
6 in its consideration of AB2942 resentencing matters;

7 b. respondent had been given notice by the LADA that there was no need for
8 criminal defendants to take any action to be considered for resentencing and that the LADA
9 would independently identify the cases it would prioritize for resentencing consideration under
10 AB2942;

11 c. the LADA website specifically stated that the LADA was not accepting
12 calls, emails, letters, or other submissions regarding individual cases seeking relief under
13 AB2942;

14 d. respondent had not successfully obtained resentencing relief on behalf of
15 any individual under AB2942; and

16 e. based upon all of the above, Johnson's employment of respondent was
17 unlikely to result in Johnson obtaining meaningful relief under AB2942 from the LADA.

18 COUNT FIFTEEN
19 OCTC Case No. 24-O-14431
20 Rules of Professional Conduct, Rule 7.1(a)
 [Misleading Communications Concerning Lawyer's Services]

21 67. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

22 68. Beginning on or about December 16, 2021, and continuing through in or about
23 December 2023, in willful violation of Rules of Professional Conduct, rule 7.1(a), respondent
24 made and caused to be made to Johnson and Chimera communications about legal services for
25 which respondent sought and obtained payment that were misleading in that, to encourage a false
26 impression that respondent would be able to achieve meaningful benefit for Johnson under
27 AB2942 if Johnson and Chimera employed respondent, the communications omitted the

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1 following facts necessary to make the communications considered as a whole not materially
2 misleading:

3 a. Johnson's case did not fall within the "priority criteria" the LADA applied
4 in its consideration of AB2942 resentencing matters;

5 b. respondent had been given notice by the LADA that there was no need for
6 criminal defendants to take any action to be considered for resentencing and that the LADA
7 would independently identify the cases it would prioritize for resentencing consideration under
8 AB2942;

9 c. the LADA website specifically stated that the LADA was not accepting
10 calls, emails, letters, or other submissions regarding individual cases seeking relief under
11 AB2942;

12 d. respondent had not successfully obtained resentencing relief on behalf of
13 any individual under AB2942; and

14 e. based upon all of the above, Johnson's employment of respondent was
15 unlikely to result in Johnson obtaining meaningful relief under AB2942 from the LADA.

16 COUNT SIXTEEN
17 OCTC Case No. 24-O-14431
18 Rules of Professional Conduct, Rule 1.5(a)
[Unconscionable Fee]

19 69. Paragraphs 2 through 6 and 54 through 62 above are incorporated by reference.

20 70. Beginning on or about December 16, 2021, and continuing through in or about
21 December 2023, in willful violation of the Rules of Professional Conduct, rule 1.5(a), respondent
22 entered into an agreement for, charged, and collected a fee of \$21,700 from Johnson and
23 Chimera to represent Johnson in preparing and submitting a request for relief under AB2942 to
24 the LADA, and preparing and submitting an application for commutation of sentence to the
25 California Governor, the portion of which fee attributable to the AB2942 request, not less
26 than \$12,350, was unconscionable based on all the facts and circumstances existing during the
27 time respondent represented Johnson, including in particular but not limited to the following:

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1 a. respondent's failure to disclose to Johnson and Chimera the following
2 material facts:

- 3 i. Johnson did not fall within the "priority criteria" the LADA applied in
4 its consideration of AB2942 resentencing matters;
5 ii. respondent had been given notice by the LADA that there was no need
6 for criminal defendants to take any action to be considered for
7 resentencing and that the LADA would independently identify the
8 cases it would prioritize for resentencing consideration under AB2942;
9 iii. the LADA website specifically stated that the LADA was not
10 accepting calls, emails, letters, or other submissions regarding
11 individual cases seeking relief under AB2942;
12 iv. respondent had not successfully obtained resentencing relief on behalf
13 of any individual under AB2942; and
14 v. based upon the above, Johnson's employment of respondent was
15 unlikely to result in Johnson obtaining meaningful relief under
16 AB2942 from the LADA;
17 b. the fee lacked Johnson and Chimera's informed consent;
18 c. the fee was disproportionate to the value of the legal services respondent
19 provided;
20 d. the fee was the product of respondent taking unfair advantage of his
21 superior position over Johnson and Chimera; and
22 e. the legal services did not result in any meaningful benefit to Johnson.

23 COUNT SEVENTEEN

24 Case No. 24-O-14431

25 Rules of Professional Conduct, Rule 7.1(a)

[Misleading Communications Concerning Lawyer's Services]

26 71. Paragraphs 2 through 6 above are incorporated by reference.

27 72. Beginning on or about July 14, 2020, and continuing through on or about May 9,
28 2023, respondent published on his firm's website – www.spolinlaw.com – an announcement

entitled "GOVERNOR PUBLICLY ANNOUNCES COMMUTATION OF SENTENCE FOR SPOLIN LAW CLIENT," and stated in the first sentence, "California Governor Gavin Newsom has announced the commutation (reduction) of sentence for a Spolin Law client who was previously serving a life sentence without the possibility of parole." Respondent, however, omitted the material fact that neither respondent nor anyone at his law firm filed the application for commutation on behalf of J.H., and that J.H. obtained the commutation on his own behalf by submitting the application for commutation in *pro per*, prior to hiring respondent's law firm. Thus, respondent made a communication to the public about his legal services on his website that omitted facts necessary to make the communication considered as a whole not materially misleading in violation of Rules of Professional Conduct, rule 7.1(a).

COUNT EIGHTEEN

Case Nos. 23-O-15672, 23-O-16130, 23-O-23496, and 24-O-14431
Business and Professions Code section 6106
[Moral Turpitude]

73. Paragraphs 2 through 13, 22 through 29, 38 through 45, 54 through 62 and 72 above are incorporated by reference as though fully set forth in this count.

74. Beginning in or about December 2020, and continuing through in or about December 2023, respondent intentionally and dishonestly sought and obtained legal fees from Robinson, Gonzales, Charles, Stephanie, Marie, Martinez, Tina, Johnson and Chimera without regard to whether the legal services he marketed to those individuals would be of any meaningful benefit to Robinson, Charles, Martinez or Johnson, and intentionally and dishonestly placed his personal interest in obtaining legal fees over the interests of his clients. In so doing, respondent committed acts of moral turpitude, dishonesty, and corruption in willful violation of Business and Professions Code section 6106.

75. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with intentionally committing acts of moral turpitude, dishonesty, and corruption in violation of section 6106. However, should the evidence at trial demonstrate that respondent's misconduct resulted from gross negligence, respondent must still be found culpable of violating section 6106 because the commission of acts of moral turpitude,

1 dishonesty, and corruption due to gross negligence is a lesser included offense of intentionally
2 committing acts of moral turpitude, dishonesty, and corruption.

3 **NOTICE - INACTIVE ENROLLMENT!**

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

12 **NOTICE - COST ASSESSMENT!**

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

18 **NOTICE – MONETARY SANCTION!**

19 **IN THE EVENT THIS MATTER RESULTS IN ACTUAL SUSPENSION,**
20 **DISBARMENT, OR RESIGNATION WITH CHARGES PENDING, YOU**
21 **MAY BE SUBJECT TO THE PAYMENT OF A MONETARY SANCTION**
22 **NOT TO EXCEED \$5,000 FOR EACH VIOLATION, TO A MAXIMUM**
23 **OF \$50,000 PER DISCIPLINARY ORDER, PURSUANT TO BUSINESS**
24 **AND PROFESSIONS CODE SECTION 6086.13. SEE RULE 5.137, RULES**
25 **OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

26 Respectfully submitted,

27 THE STATE BAR OF CALIFORNIA
28 OFFICE OF CHIEF TRIAL COUNSEL

DATED: November 14, 2024

By: _____



Cindy Chang
Supervising Attorney

DECLARATION OF SERVICE

CASE NUMBER(s): SBC-24-O-30844 (OCTC Case Nos. 23-O-15672; 23-O-16130; 23-O-23496; 24-O-14431)

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, Sandra.bird@calbar.ca.gov, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6 and Rules of Proc. of State Bar, rule 5.26.2)

Based on rule 5.26.2, a court order, or an agreement of the parties to accept service by electronic transmission, I caused the above-named document(s) to be transmitted by electronic means to the person(s) at the electronic address(es) listed below. If there is a signature on the document(s), I am the signer of the document(s), I am the agent of, or I am serving the document(s) at the direction of, the signer of the document(s). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article **9414 7266 9904 2199 6822 53** at Los Angeles, addressed to: *(see below)*

No.: _____



(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking _____ addressed to: *(see below)*

No.: _____

Person Served	Business Address	Fax Number	Courtesy Copy to:
AARON SPOLIN (Respondent)	Spolin & Dukes, P.C. 11500 W. Olympic Blvd., Ste. 400 Los Angeles, CA 90064-1525 (Certified Mail/RRR)		
		Electronic Address	
		aspolin@gmail.com	
Person Served	Business Address	Fax Number	Courtesy Copy to:
ERIN M. JOYCE (Counsel for Respondent)			Erin Joyce Law 117 E. Colorado Blvd., Ste. 465 Pasadena, CA 91105-3731 (First Class Mail)
		Electronic Address	
		erin@erinjoycelaw.com	
Person Served	Business Address	Fax Number	Courtesy Copy to:
RICHARD D. KAPLAN NINA MARINO (Counsel for Respondent)			Richard D. Kaplan Nina Marino Kaplan Marino, APC 1546 N. Fairfax Avenue Los Angeles, CA 90046-2608 (First Class Mail)
		Electronic Address	
		kaplan@kaplanmarino.com marino@kaplanmarino.com	



via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

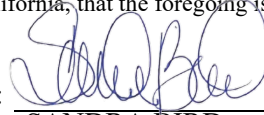
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

DATED: November 14, 2024

SIGNED:



SANDRA BIRD
Declarant



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

ATTEST September 19, 2025

State Bar Court, State Bar of California,
Los Angeles

By
Clerk

Daniel Onthaw

(State Bar Court Nos. SBC-24-O-30656; SBC-24-O-30844 (Consolidated))

S292012

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re AARON SPOLIN on Discipline

The court orders that Aaron Spolin (Respondent), State Bar Number 310379, is disbarred from the practice of law and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the State Bar's Office of Case Management and Supervision or the State Bar Court (or reimburse the Client Security Fund, to the extent of any payment from the Fund to such payees, in accordance with Business and Professions Code section 6140.5). Reimbursement to the Fund is enforceable as a money judgment and may be collected by the State Bar through any means permitted by law:

- (1) Karl Holmes or designated representative in the amount of \$3,000 plus 10 percent interest per year from March 1, 2022;
- (2) Thomas Stringer or designated representative in the amount of \$3,000 plus 10 percent interest per year from July 1, 2021;
- (3) John Poe or designated representative in the amount of \$11,900 plus 10 percent interest per year from April 1, 2021;
- (4) Dustin Lish or designated representative in the amount of \$10,000 plus 10 percent interest per year from February 1, 2022;
- (5) Joel Robinson or designated representative in the amount of \$14,800 plus 10 percent interest per year from May 1, 2021;
- (6) Wesner Charles, Jr. or designated representative in the amount of \$3,000 plus 10 percent interest per year from August 1, 2021;
- (7) Bernardo Martinez or designated representative in the amount of \$3,000 plus 10 percent interest per year from February 1, 2023; and



(8) Demetrius Johnson or designated representative in the amount of \$14,700 plus 10 percent interest per year from February 1, 2022.

Respondent must comply with California Rules of Court, rule 9.20 and perform the acts specified in (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].) Failure to do so may result in denial of any future application for reinstatement. (Cal. Rules of Court, rule 9.20(d).)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$5,000 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment, and may be collected by the State Bar through any means permitted by law.

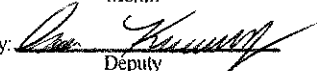
Any monetary requirements imposed in this matter shall be considered satisfied or waived when authorized by applicable law or orders of any court.

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

Witness my hand and the seal of the Court this

19 day of September 20 25
Month

By:


Deputy

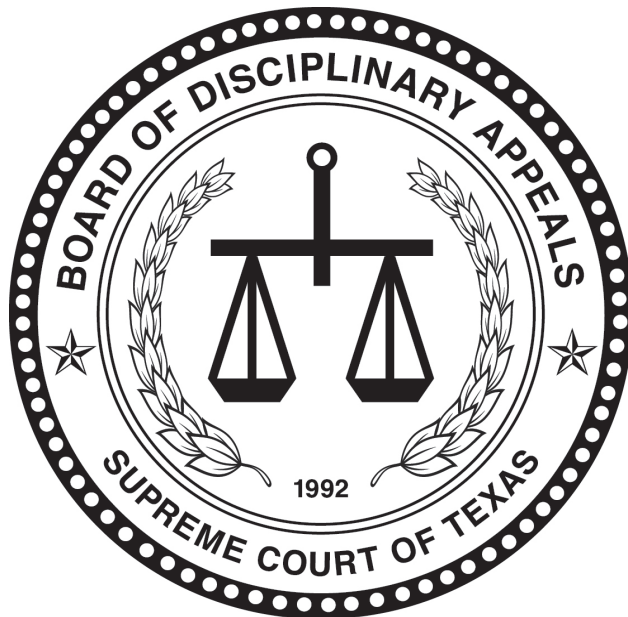
GUERRERO

Chief Justice

THE BOARD *of* DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT *of* TEXAS



INTERNAL PROCEDURAL RULES
(EFFECTIVE SEPTEMBER 24, 2024)



Mailing Address:
P.O. Box 12426
Austin TX 78711

1414 Colorado, Suite 610
Austin TX 78701

Tel: 512 427-1578
FAX: 512 427-4130
website: txboda.org

INTERNAL PROCEDURAL RULES

BOARD OF DISCIPLINARY APPEALS

Current through September 24, 2024

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INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Current through September 24, 2024

I. GENERAL PROVISIONS

Rule 1.01. Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

Rule 1.02. General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 [17.01] applies to the enforcement of a judgment of BODA.

Rule 1.03. Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04. Appointment of Panels

- (a) BODA may consider any matter or motion by panel,

except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

- (c) BODA may, upon decision of the Chair, conduct any business or proceedings—including any hearing, pretrial conference, or consideration of any matter or motion—remotely.

Rule 1.05. Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

- (1) Email Address. The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

- (2) Timely Filing. Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

- (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

- (4) Exceptions.

- (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry or a complaint is not required to be filed electronically.

- (ii) The following documents must not be filed electronically:

- a) documents that are filed under seal or subject to a pending motion to seal; and

- b) documents to which access is otherwise restricted by court order.

(iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

(5) **Format.** An electronically filed document must:

(i) be in text-searchable portable document format (PDF);

(ii) be directly converted to PDF rather than scanned, if possible; and

(iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

(1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06. Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition must be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent’s signature.

Rule 1.07. Hearing Setting and Notice

(a) **Original Petitions.** In any kind of case initiated by the CDC’s filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08. Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09. Pretrial Procedure

(a) **Motions.**

(1) Generally. To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) For Extension of Time. All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

(i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;

(ii) if an appeal has been perfected, the date when the appeal was perfected;

(iii) the original deadline for filing the item in question;

(iv) the length of time requested for the extension;

(v) the number of extensions of time that have been granted previously regarding the item in question; and

(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

(1) marked;

(2) indexed with the title or description of the item offered as an exhibit; and

(3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10. Decisions

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

(1) as required by the TRDP; and

(2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11. Board of Disciplinary Appeals Opinions

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the

decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12. BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13. Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14. Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15. Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

II. ETHICAL CONSIDERATIONS

Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal

malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02. Confidentiality

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction

Rule 2.03. Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

III. CLASSIFICATION APPEALS

Rule 3.01. Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule. If a grievance is classified as a complaint, the CDC must notify both the Complainant and the Respondent of the Respondent's right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. For a grievance classified as a complaint, the CDC must send the Respondent an appeal notice form, approved by BODA, with notice of the classification disposition. The form must

include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02. Record on Appeal

BODA must not consider documents or other submissions that the Complainant or Respondent filed with the CDC or BODA after the CDC's classification. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

Rule 3.03. Disposition of Classification Appeal

(a) BODA may decide a classification appeal by doing any of the following:

(1) affirm the CDC's classification of the grievance as an inquiry and the dismissal of the grievance;

(2) reverse the CDC's classification of the grievance as an inquiry, reclassify the grievance as a complaint, and return the matter to the CDC for investigation, just cause determination, and further proceedings in accordance with the TRDP;

(3) affirm the CDC's classification of the grievance as a complaint and return the matter to the CDC to proceed with investigation, just cause determination, and further proceedings in accordance with the TRDP; or

(4) reverse the CDC's classification of the grievance as a complaint, reclassify the grievance as an inquiry, and dismiss the grievance.

(b) When BODA reverses the CDC's inquiry classification and reclassifies a grievance as a complaint, BODA must reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. When BODA affirms the CDC's complaint classification, BODA may reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. The scope of investigation will be determined by the CDC in accordance with TRDP 2.12.

(c) BODA's decision in a classification appeal is final and conclusive, and such decision is not subject to appeal or reconsideration.

(d) A classification appeal decision under (a)(1) or (4), which results in dismissal, has no bearing on whether the Complainant may amend the grievance and resubmit it to the CDC under TRDP 2.10.

IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01. Perfecting Appeal

(a) **Appellate Timetable.** The date that the evidentiary

judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 [2.20] consistent with this requirement, the date that the judgment is signed is the “date of notice” under Rule [TRDP] 2.21 [2.20].

(b) Notification of the Evidentiary Judgment. The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21 [2.20].

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) Filing Notice of Appeal. An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) Time to File. In accordance with TRDP 2.24 [2.23], the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) Extension of Time. A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02. Record on Appeal

(a) Contents. The record on appeal consists of the evidentiary panel clerk’s record and, where necessary to the appeal, a reporter’s record of the evidentiary panel hearing.

(b) Stipulation as to Record. The parties may designate parts of the clerk’s record and the reporter’s record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

(c) Responsibility for Filing Record.

(1) Clerk’s Record.

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk’s record.

(ii) Unless the parties stipulate otherwise, the clerk’s record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel’s charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk’s record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk’s record cannot be timely filed, and give the date by which he or she expects the clerk’s record to be filed.

(2) Reporter’s Record.

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter’s record if:

- a) a notice of appeal has been filed;
- b) a party has requested that all or part of the reporter’s record be prepared; and
- c) the party requesting all or part of the reporter’s record has paid the reporter’s fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter’s record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter’s record cannot be timely filed, and give the date by which he or she expects the reporter’s record to be filed.

(d) Preparation of Clerk’s Record.

(1) To prepare the clerk’s record, the evidentiary panel clerk must:

- (i) gather the documents designated by the parties’ written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);
- (ii) start each document on a new page;
- (iii) include the date of filing on each document;
- (iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;
- (v) number the pages of the clerk’s record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

(f) **Preparation of the Reporter's Record.**

(1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and

35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise

(6¹) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

¹ So in original.

Rule 4.03. Time to File Record

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) **If No Record Filed.**

(1) If the clerk's record or reporter's record has not been

timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

- (i) the appellant failed to request a reporter's record; or
- (ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) Extension of Time to File the Reporter's Record.

When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) Supplemental Record. If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04. Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05. Requisites of Briefs

(a) Appellant's Filing Date. Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) Appellee's Filing Date. Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) Contents. Briefs must contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
- (3) an index of authorities arranged alphabetically and

indicating the pages where the authorities are cited;

(4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;

(5) a statement, without argument, of the basis of BODA's jurisdiction;

(6) a statement of the issues presented for review or points of error on which the appeal is predicated;

(7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;

(8) the argument and authorities;

(9) conclusion and prayer for relief;

(10) a certificate of service; and

(11) an appendix of record excerpts pertinent to the issues presented for review.

(d) Length of Briefs; Contents Included and Excluded.

In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

(e) Amendment or Supplementation. BODA has discretion to grant leave to amend or supplement briefs.

(f) Failure of the Appellant to File a Brief. If the appellant fails to timely file a brief, BODA may:

- (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;
- (2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or
- (3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06. Oral Argument

(a) Request. A party desiring oral argument must note the

request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

(b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

- (1) the appeal is frivolous;
- (2) the dispositive issue or issues have been authoritatively decided;
- (3) the facts and legal arguments are adequately presented in the briefs and record; or
- (4) the decisional process would not be significantly aided by oral argument.

(c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07. Decision and Judgment

(a) **Decision.** BODA may do any of the following:

- (1) affirm in whole or in part the decision of the evidentiary panel;
- (2) modify the panel's findings and affirm the findings as modified;
- (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
- (4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:
 - (i) the panel that entered the findings; or
 - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08. Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27 [2.26]. The committee must consist of six members: four attorney members and two public members

randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09. Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

V. PETITIONS TO REVOKE PROBATION

Rule 5.01. Initiation and Service

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23 [2.22].

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23 [2.22], the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02. Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

VI. COMPULSORY DISCIPLINE

Rule 6.01. Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02. Interlocutory Suspension

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA

determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA must suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

(i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or

(ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

VII. RECIPROCAL DISCIPLINE

Rule 7.01. Initiation of Proceeding

To initiate an action for reciprocal discipline under TRDP Part IX, the CDC must file a petition with BODA and request an Order to Show Cause. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02. Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03. Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

VIII. DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01. Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair must appoint a substitute member.

Rule 8.02. Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the

CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service must comply with Rule 1.06.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03. Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.

(1) Motion. The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) Report. The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04. Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05. Respondent's Right to Counsel

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for

indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06. Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07. Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08. Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

IX. DISABILITY REINSTATEMENTS

Rule 9.01. Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02. Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03. Physical or Mental Examinations

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04. Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS

Rule 10.01. Appeals to the Supreme Court

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after

BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.