

Filed February 5, 2025

STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT

In the Matter of)	SBC-22-C-30002
)	
VINCENT J. QUIGG,)	OPINION AND ORDER
)	
State Bar No. 108932.)	
_____)	

This is Vincent J. Quigg’s fourth disciplinary proceeding and is a result of his misdemeanor conviction in a Los Angeles County Superior Court. On August 3, 2021, a jury found Quigg guilty of violating Penal Code section 273.6, subdivision (a) (violation of domestic relations protective order). The conviction was transmitted to the State Bar Court, and a hearing judge found the facts and circumstances of Quigg’s misdemeanor conviction involved moral turpitude. Considering this was Quigg’s fourth disciplinary matter—the second of which involved domestic violence-related conduct—and the lack of compelling mitigation, the judge recommended disbarment.

Quigg appeals, arguing that the facts and circumstances surrounding his conviction did not rise to the level of moral turpitude given his state of mind. He also argues less aggravation and more mitigation should have been afforded by the hearing judge and therefore requests a two-year actual suspension with conditions. The Office of Chief Trial Counsel of the State Bar (OCTC) does not appeal and requests we uphold the judge’s decision.

Upon our independent review (Cal. Rules of Court, rule 9.12), we find that the facts and circumstances surrounding Quigg's misdemeanor conviction involved moral turpitude, and there is no compelling mitigation that predominates. Given these circumstances, we affirm the disbarment recommendation.

I. RELEVANT PROCEDURAL BACKGROUND

On January 4, 2022, OCTC transmitted Quigg's misdemeanor conviction record to this court. Upon finality of the conviction, we referred the matter to the Hearing Department on August 19 to determine whether the facts and circumstances of the crime involved moral turpitude or other misconduct warranting discipline, and if found, what discipline to be imposed.

On August 23, 2022, the Hearing Department issued a Notice of Hearing on Conviction, and Quigg filed a response on September 20. On December 6, 2023, the parties filed a stipulation as to facts (Stipulation) and filed a stipulation as to trial exhibits on December 7. A two-day trial took place on December 13 and 14. Following posttrial briefing, the hearing judge issued her decision on March 27, 2024.

Quigg requested review on June 17, 2024. After briefing was completed, we heard oral argument on November 13, and the matter was submitted that day.

II. FACTUAL BACKGROUND¹

Quigg was admitted to practice law in California on July 1, 1983. His legal practice primarily focuses on personal injury, and he handles some criminal defense matters. Quigg has three prior records of discipline. This fourth disciplinary case stems from a history of domestic

¹ The facts are based on the stipulations, trial testimony, documentary evidence, and the hearing judge's factual findings, which are entitled to great weight. (Rules Proc. of State Bar, rule 5.155(A).)

violence between Quigg and his ex-wife, A.S., over the course of their nearly nine-year marriage.

A. History of Marital Abuse

Quigg and A.S. met in 2003. A.S. and her parents were tenants in one of Quigg's rental properties. At the time, A.S. was 21 years old with three young children and Quigg was 42 years old. Their landlord-tenant relationship eventually turned romantic. In 2008, Quigg employed A.S. as a translator at his law firm until May 2015. The couple married on December 24, 2010, and during their marriage, A.S.'s parents and children became financially dependent on Quigg. Quigg provided A.S.'s parents, who had limited English fluency, with housing, and he funded private school education for her children.

1. Quigg's 2014 Domestic Violence Criminal Conviction (*Quigg III*)

Quigg became abusive toward A.S. within the first three years of their marriage. His behavior of abuse and violence continued throughout the course of their relationship. As established by his third disciplinary proceeding (*Quigg III*), on August 26, 2013, Quigg headbutted A.S., causing bruising and swelling on her forehead and face. The next day A.S. called the police, and Quigg was later criminally charged. Quigg pressured and coached A.S. to recant her allegations, but the district attorney did not believe her due to the photographic evidence and proceeded to trial. During Quigg's criminal trial, A.S. again was pressured by Quigg, and she recanted her prior statements to police and testified that Quigg did not intentionally headbutt her and that the incident occurred accidentally.² On April 1, 2014, Quigg was found guilty of one count of a misdemeanor violation of Penal Code section 273.5, subdivision (a) (corporal injury to a spouse). Quigg was placed on probation for three years with

² During his instant disciplinary trial, Quigg disputed that he ever pressured or coached A.S. to recant her allegations.

conditions, including that he perform community labor and complete a 52-week domestic violence treatment program. The superior court also issued a criminal protective order (CPO) forbidding Quigg to have contact with or come within 100 yards of A.S. A few months later, in December, the superior court modified the CPO to allow Quigg to have peaceful contact with A.S. Between 2014 and 2015, Quigg attended monthly counseling sessions and sought advice from his fellow church members and friends to address his marital issues with A.S.

2. Quigg's Probation and Domestic Violence Treatment

On August 28, 2015, Quigg attended a hearing in connection with his 2014 criminal conviction regarding an alleged probation violation for failing to abide by the terms of the CPO. As a result, Quigg stipulated that he learned the importance of complying with protective orders and the potential consequences of failing to do so. Between 2015 and 2016, Quigg successfully completed a 52-week domestic violence treatment program. Based on this, Quigg stipulated he became sufficiently familiar with the concepts of domestic violence, including those defined under Family Code section 6320 and Penal Code section 1203.097. The program emphasized the following topics: (1) strategies to hold oneself accountable for the violence in a relationship; (2) definitions of abuse, including initiation of unwanted communication with a spouse or otherwise disturbing the peace of a spouse; (3) techniques to stop engaging in abusive behavior; and (4) gender roles, socialization, the nature of violence, the dynamics of power and control, and the effects of abuse on children and others.

During the disciplinary trial, Quigg testified that over the course of his 40-year legal career he has represented criminal defendants in approximately 100 to 150 domestic violence matters, with about 50 to 75 of the cases involving a protective order. He further testified that based on having taken the domestic violence training program twice, as ordered in his 2014 criminal probation and his 2019 criminal probation discussed *post*, he could “teach that course.”

B. September 2019 Physical Altercation and Aftermath

1. Emergency Protective Order (EPO)

Late in the evening on September 15, 2019, A.S. and Quigg had a physical altercation in their car. The incident started at a restaurant where A.S. was having dinner with friends and Quigg's sister. Around 11:00 p.m., A.S. asked Quigg's sister to text Quigg to see if he could pick her up, because A.S. had forgotten her phone. Within about 15 minutes, Quigg arrived at the restaurant. Quigg appeared angry as he approached A.S. and then pulled her by the arm toward the exit. He refused to allow her to retrieve her purse. Once in the car, Quigg began yelling and called her a "fucking drunk whore" and a "slut" while A.S. remained silent. Quigg hit her on the left side of her face. When A.S. fought back, cutting Quigg's eye, he punched her, resulting in her head hitting the car door and causing her extreme pain.³ Quigg dropped A.S. off at her parents' home.

Shortly thereafter, at approximately 12:50 a.m. on September 16, 2019, A.S. reported the incident to the police. Within a couple of hours, Quigg was arrested for domestic violence, but his arrest did not result in criminal prosecution. However, on September 16, A.S. was granted an EPO, effective through September 23, which required Quigg to stay 100 yards away from A.S. and the marital home, have no contact with A.S., and move out of the marital home. Quigg received a copy of the EPO on the date it was issued.

On September 19, 2019, while the EPO was in effect, Quigg drove to the marital home and parked in front of the house, purportedly to wash his car, but he did not enter the residence.

³ At his disciplinary trial, Quigg denied hitting or punching A.S. When confronted with a photograph showing an injury to A.S.'s face and A.S.'s medical records documenting her September 17, 2019 visit to the emergency room for treatment for injuries to her ear, eye, and head, Quigg opined that either she fabricated the injuries using makeup or they were self-inflicted injuries.

During his deposition for this disciplinary proceeding, Quigg explained his motivation to risk violating the EPO: “It was not necessarily to wash my car. It was to sort of, kind of test the waters that [A.S.] created to see if she’s going to be like the last time where she is going to talk to me, communicate, you know, or whether she is going to be in strict compliance with everything. Which she ended up being. But I needed to figure that out.” Quigg was not criminally charged with violating the EPO.

2. Temporary Restraining Order (TRO)

On September 23, 2019, the day the EPO was set to expire, A.S. filed a marriage dissolution petition and a petition for a TRO against Quigg. A.S.’s declaration in support of the petition for a TRO detailed several allegations of domestic violence by Quigg between 2017 and 2019, including the September 2019 incident. In her declaration, A.S. stated that in 2017, during a trip to Las Vegas, Quigg punched and kicked her because he felt that she had embarrassed him in front of their friends. In February 2018, Quigg slapped her while she was having lunch with a friend at a restaurant; Quigg stipulated to this abuse. In August 2018, while at a restaurant with friends, Quigg threw a glass of water on A.S. and called her a “slut.” In August 2019, Quigg grabbed A.S.’s neck and choked her during a family gathering. In September 2019, when A.S. was unable to fix the work printer, Quigg threw various objects at her resulting in bruises on her arms and legs. The hearing judge found that although Quigg only admitted to the incidents where he slapped A.S. in the face and threw water on her, A.S. credibly testified regarding each of these abusive incidents in detail, some of which were witnessed by two of her friends and corroborated by their testimonies. A judge’s credibility findings are accorded great weight because the judge presided over the trial and heard the testimony. (See *McKnight v. State Bar* (1991) 53 Cal.3d 1025, 1032 [hearing judge best suited to resolve credibility questions “because

[she] alone is able to observe the witnesses' demeanor and evaluate their veracity firsthand").) We affirm the judge's conclusions regarding A.S.'s credibility.

On September 23, 2019, the superior court granted A.S.'s petition and issued a TRO, ordering Quigg to stay 100 yards away from A.S. and further ordering him: (1) to not harass, attack, stalk, molest, destroy property, or block movements of A.S.; (2) to not contact A.S., either directly or indirectly, in any way, by telephone, mail, e-mail, or other electronic means; (3) to not take any action, directly or through others, to obtain the addresses or locations of A.S.; (4) to move out of the marital home; and (5) to stay away from A.S.'s residence, vehicle, and workplace. The TRO was in effect from September 23 to November 15. On September 25, Quigg was served with a copy of the TRO petition, and upon receiving it, he understood that A.S. wanted to terminate the marital relationship.

3. Quigg Violates the TRO

Between October 11 and November 3, 2019, Quigg contacted A.S. in violation of the terms of the TRO as follows:

- On October 11, 2019, Quigg called and sent text messages to A.S. Quigg denied calling A.S., but admitted to having sent a text message to her with a copy of a court order to attend mediation on October 29, 2019, and typing, "do you miss me" at the bottom of the text message;
- On October 12, 2019, Quigg, with the assistance of his adult daughter, posted to his Facebook account, mentioning his and A.S.'s impending divorce and accusing A.S. of physically assaulting Quigg and intentionally injuring herself. A.S. was tagged in the post, which automatically notified her of it;

- On October 19, 2019, Quigg called A.S.'s cell phone. She ignored the calls, and although Quigg denies calling, A.S. also received calls from Quigg's law office. While she spoke with his staff, Quigg would insert himself into the conversation;
- October 20, 2019, Quigg sent A.S. and a friend, Julio Gallo, a group text message that began with "end of an era" and referenced the dissolution of his marriage to A.S. Gallo testified that Quigg asked him to act as a point of communication between him and A.S. while the TRO was in effect;
- On October 23, 2019, Quigg saw A.S. entering the gym as he was leaving the gym. A.S. initially did not see Quigg, but as he passed by her, he touched her arm and continued walking out of the gym without stopping. Quigg testified he had a membership to the gym and had gone to use the shower because the rental property he was staying in did not have a functioning shower. He claimed he was unaware that A.S. would be there.⁴ Quigg explained to the police that he touched A.S. so that she would know that he was there because he did not want her to think he was ignoring her;
- Between October 24 and October 28, 2019, Quigg sent A.S. and Gallo a series of text messages that were directed at A.S. The text messages included a settlement offer in their marital dissolution case, which Quigg referred to as his "olive branch"; and
- On November 3, 2019, Quigg made an unannounced visit to the marital home while A.S. was present and took a headlight from a vehicle on the property. A.S. discovered Quigg was at the home because she received an alert from her security cameras. Quigg testified that he went to the home because he wanted to visit his dogs

⁴ A.S. testified at the disciplinary trial that she regularly went to the gym after dropping off her children in the mornings, and Quigg was aware of her routine.

but admitted that if he had known that the security cameras were there, he would not have gone to the home as he did not expect A.S. to see him or know he had been there.

From October 12 to November 6, 2019, A.S. made four separate reports to the Downey Police Department that documented these incidents, and she provided the police with the October 24-28 text messages. On November 6, Quigg gave a voluntary statement at the police station. He admitted he had violated the TRO on several occasions and provided his reasons for doing so. On November 15, the superior court issued a domestic violence restraining order against Quigg, which was to be in effect for three years. It was renewed for an additional five years on January 17, 2023.

C. August 2021 Misdemeanor Conviction

On December 31, 2019, a criminal complaint was filed against Quigg in the Los Angeles County Superior Court, case number 9DN11572, charging him with violating Penal Code section 273.6, subdivision (a) (violation of domestic relations protective order), and Penal Code section 594, subdivision (a) (vandalism), both misdemeanors. On August 3, 2021, after a multi-day jury trial, Quigg was convicted of violating Penal Code section 273.6, subdivision (a), between October 11 and November 3, 2019.⁵ He was sentenced to three years' probation with conditions, including that he serve one day in county jail; perform eight hours of community service; pay restitution to A.S.; not own, purchase, receive, possess, or have under his custody or control any firearms; complete a 52-week domestic violence treatment program; and obey any protective orders. The court also issued a CPO against Quigg for three years. The CPO

⁵ The superior court dismissed the vandalism charge on July 19, 2021.

prohibited him from contacting A.S. and her children, required Quigg to stay 100 yards away from them, and required him to move out of the marital home.

III. THE FACTS AND CIRCUMSTANCES INVOLVE MORAL TURPITUDE

In attorney disciplinary proceedings, “the record of [an attorney’s] conviction [is] conclusive evidence of guilt of the crime of which they have been convicted.” (Bus. & Prof. Code, § 6101, subd. (a); *In re Gross* (1983) 33 Cal.3d 561, 567.) Pursuant to Penal Code section 273.6, subdivision (a), it is a misdemeanor to intentionally and knowingly violate a lawfully issued protective order. Accordingly, Quigg’s misdemeanor conviction of Penal Code section 273.6, subdivision (a), is conclusive evidence that between October 11 and November 3, 2019, he intentionally and knowingly violated the September 23, 2019 TRO.

When a conviction does not establish moral turpitude per se, as is the case here, any finding of moral turpitude must be made after considering the facts and circumstances of the offense. (Bus. & Prof. Code, § 6102, subd. (e); see *In re Kelley* (1990) 52 Cal.3d 487, 494; *In re Gross, supra*, 33 Cal.3d 561, 566 [misconduct, not conviction, warrants discipline]; see also (*In the Matter of Miller* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 110, 115 [“wide ambit of facts surrounding the commission of a crime is appropriate to consider in a conviction referral proceeding”].) Such a finding must be based on clear and convincing evidence.⁶

To ascertain what constitutes moral turpitude, the California Supreme Court has provided guidance as follows: “Criminal conduct not committed in the practice of law or against a client reveals moral turpitude if it shows a deficiency in any character trait necessary for the practice of law (such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties) or if it

⁶ Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

involves such a serious breach of a duty owed to another or to society, or such a flagrant disrespect for the law or for societal norms, that knowledge of the attorney's conduct would be likely to undermine public confidence in and respect for the legal profession." (*In re Lesansky* (2001) 25 Cal.4th 11, 16.) As explained below, we find that the facts and circumstances surrounding Quigg's conviction for intentionally and knowingly violating a domestic violence protection order involved moral turpitude because they show deficiencies in Quigg's character, including a serious breach of his duty owed to A.S. and a flagrant disrespect for the law.

On review, Quigg argues there are insufficient facts to support a finding of moral turpitude by clear and convincing evidence.⁷ He is mistaken. Although Quigg acknowledges that he violated the EPO and TRO in 2019, he asserts that the "suddenness of the break-up as well as the disruption to [his] daily life" caused depression, which in turn "caused him to . . . violate the protective orders." He contends that "he wanted to test the waters with [A.S.] to see if they would get back together," which led to violations of the restraining order. He submits that once "it became clear to him" that their break-up was final, Quigg ceased his communication with A.S. and voluntarily appeared at the police station on November 6. His contentions together with his misconduct provide no justification to violate the protective order. Instead, they demonstrate a motive to disregard the law. (See *In re Rohan* (1978) 21 Cal.3d 195, 203

⁷ Quigg points to multiple criminal conviction cases where moral turpitude was not found to support his position that his acts do not amount to moral turpitude: *In re Larkin* (1989) 48 Cal.3d 236 (declining to consider whether respondent's conduct related to misdemeanor conviction for assault with a deadly weapon was moral turpitude), *In the Matter of Burns* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 406 (felony discharge of a firearm where respondent had strong, subjective belief that his life was in danger), and *In the Matter of Stewart* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 52 (misdemeanor battery against law enforcement officer after consuming high-proof alcohol). We find each of these cases distinguishable from our moral turpitude analysis and unpersuasive.

[conscious decision to violate the law “evinces an attitude on the part of the attorney of placing himself above the law (citations)”].)

Like the hearing judge, we find Quigg’s deliberate violation of the TRO on numerous occasions over nearly three weeks particularly egregious. Quigg’s Stipulation and testimony establish that: (1) he understood A.S.’s desire to end their relationship upon seeking the protective orders; (2) he had extensive domestic violence training and understood that contacting A.S. in violation of a court order was a form of abuse; and (3) he was familiar with protective orders and understood their significance based on his representation of clients in domestic violence cases, some involving protective orders. Yet, Quigg chose to repeatedly violate the TRO and contact A.S. on various occasions between October and November 2019, including visiting her residence and touching her at the gym. The wanton nature of his actions was further revealed during his interview with law enforcement on November 6, when Quigg proclaimed in reference to the TRO, “there’s nothing to protect” and that “[A.S.] is the one that did this whole thing.” He also commented that A.S. “acts like a little victim.” These statements indicate that Quigg did not believe in the legitimacy of the TRO. Coupled with his claim that he was “testing the waters,” Quigg demonstrated that he had no intention of adhering to the TRO. Therefore, we reject his attempt on review to limit his wrongdoing by stating his actions were an attempt to salvage his marriage and ensure that A.S. actually wanted the protective orders enforced. His continued and persistent violations of the TRO reflect a brazen effort to place himself above the law, which reveals moral turpitude. (See *In re Lesansky*, *supra*, 25 Cal.4th at p. 16.)

We equally reject his claim that his actions did not involve moral turpitude because his depression regarding the dissolution of the marriage caused him to act irrationally and violate the TRO. Although Quigg’s argument on this issue pertains primarily to mitigation, which we discuss *post*, we are mindful that Quigg’s conviction established that he not only acted

knowingly, but *intentionally*. To the extent Quigg is claiming his conduct was not intentional due to his poor judgment, this court may not reach determinations inconsistent with the conclusive effect of an attorney's conviction. (*In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 581, 588.) Otherwise, we reiterate our findings that Quigg did not seriously view the TRO as a legitimate court order and did not intend to comply with it; thus, we remain unconvinced that his depression prohibits us from finding that the facts and circumstances of his conviction amount to moral turpitude.

We find Quigg's actions surrounding his conviction demonstrate such a flagrant disrespect for the law that knowledge of his misconduct would likely undermine public confidence in and respect for the legal profession. (See *In the Matter of Burns*, *supra*, 3 Cal. State Bar Ct. Rptr. 406, 416 [discipline system is responsible for preserving integrity of legal profession as well as protection of public].) On review, OCTC emphasized that Quigg has engaged in over 30 acts of abuse against A.S.—with eight of them being physical—since his first domestic violence-related conviction in April 2014, which resulted in a period of actual discipline imposed in *Quigg III*. As it pertains to this case, after the TRO was issued on September 23, 2019, Quigg took calculated steps for nearly a month to find ways to continue to contact A.S. in direct violation of the order and with complete disregard for A.S.'s legal right to seek protection from him after a long history of domestic abuse. Quigg's conduct repeatedly breached the duty he owed to A.S. and exhibited disdain for the law; this constitutes moral turpitude. (*In re Craig* (1938) 12 Cal.2d 93, 97 [moral turpitude is act of baseness, vileness, or depravity in duties owed to others or society in general and is contrary to accepted and customary rule of right and duty between people].)

IV. AGGRAVATION AND MITIGATION

Standard 1.5 of the Standards for Attorney Sanctions for Professional Misconduct⁸ requires OCTC to establish aggravating circumstances by clear and convincing evidence. Standard 1.6 requires Quigg to meet the same burden to prove mitigation.

A. Aggravation⁹

1. Prior Record of Discipline (Std. 1.5(a))

Standard 1.5(a) provides that a prior record of discipline may be an aggravating circumstance. Prior discipline is a proper factor in aggravation when discipline is imposed. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618.) The hearing judge assigned substantial weight for Quigg's three prior records of discipline. On review, Quigg argues that less than substantial weight should be assigned. We agree with the judge.

Quigg I.¹⁰ In his first disciplinary matter, Quigg stipulated to failing to perform with competence, failing to communicate with clients, improperly withdrawing from employment, and failing to return unearned fees and client files in four client matters which stemmed from the 1987 closure of his law firm. He also stipulated to committing an act of moral turpitude by issuing five insufficient funds checks from his client trust account. There were no aggravating factors. His misconduct was mitigated by no prior record of discipline, cooperation, and

⁸ All further references to standards are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

⁹ The hearing judge found Quigg's failure to appreciate the seriousness of his misconduct and his refusal to accept full responsibility for his actions warranted substantial weight in aggravation for indifference. (Std. 1.5(k) [aggravation for indifference toward rectification or atonement for consequences of misconduct].) Neither party disputes this finding and based on our review of the record, we agree.

¹⁰ Supreme Court No. S032907 (State Bar Court No. 87-O-17169).

subsequent rehabilitation. Effective August 19, 1993, the Supreme Court imposed a two-year stayed suspension with conditions, including payment of restitution.

Quigg II.¹¹ In his second disciplinary matter, Quigg stipulated to failing to perform with competence and failing to supervise his employee in two separate client matters between 2001 and 2002. His misconduct was aggravated by a prior record of discipline, and he received mitigation for cooperation. Effective September 22, 2005, the Supreme Court imposed a 30-day actual suspension with one-year stayed suspension and two years' probation.

Quigg III.¹² Quigg's third disciplinary proceeding involved multiple instances of misconduct involving two separate client matters and his 2014 criminal conviction involving domestic violence against A.S., as discussed *ante*. Quigg stipulated that between 2010 and 2014 he failed to promptly pay client funds in one matter, and between 2009 to 2012 in a second matter he represented clients with conflicts of interests without written consent, charged an excessive and illegal attorney's fee, and breached his fiduciary duty to clients. He further stipulated that the facts and circumstances of his April 2014 criminal conviction for violating Penal Code section 273.5, subdivision (a) (corporal injury to spouse), did not involve moral turpitude but did involve other misconduct warranting discipline. Aggravating circumstances included two prior records of discipline and multiple acts of misconduct. In mitigation, the court found good character, cooperation for entering into a pretrial stipulation, mistaken belief, and remorse. Quigg received a six-month actual suspension with two years of stayed suspension and two years' probation effective November 15, 2015.

¹¹ Supreme Court No. S134629 (State Bar Court Nos. 02-O-15983; 03-O-00916 (Cons.)).

¹² Supreme Court No. S228455 (State Bar Court Nos. 14-O-01717; 14-O-02118; 14-C-02229).

Quigg attempts to distinguish his prior records of discipline by arguing that they primarily involved misconduct related to clients and are dissimilar to the case at bar. Contrary to Quigg's belief, the underlying facts and circumstances surrounding his misdemeanor conviction in the instant case stem from a history of domestic violence, including the criminal conviction underlying *Quigg III*. Additionally, *Quigg I* involved moral turpitude, like the instant misconduct. The serious nature of his prior disciplinary record supports substantial aggravating weight. (*In the Matter of Bouyer* (Review Dept.1998) 3 Cal. State Bar Ct. Rptr. 888, 892-893 [three prior disciplines found to be serious aggravating factor]; see also *In the Matter of Sklar*, *supra*, 2 Cal. State Bar Ct. Rptr. 602, 619 ["part of the rationale for considering prior discipline as having an aggravating impact is that it is indicative of a recidivist attorney's inability to conform his or her conduct to ethical norms"].)

2. Significant Harm (Std. 1.5(j))

Standard 1.5(j) provides that significant harm to the client, the public, or the administration of justice is an aggravating circumstance. The hearing judge assigned moderate weight and concluded A.S. suffered extreme emotional distress that required extensive therapeutic intervention. The judge also considered that the superior court ordered Quigg to pay restitution to A.S. as further evidence of harm he caused.¹³ On review, OCTC argues more weight should be assigned based on the extent and severity of the mental harm and suffering Quigg's abuse caused A.S. We find the evidence supports the finding that A.S. suffered significant emotional harm as a consequence of Quigg's misconduct. A.S. testified that after the 2019 incident she underwent months of therapy—initially with a psychiatrist and continuing biweekly sessions with a licensed therapist, in addition to weekly sessions with her domestic

¹³ The record is unclear as to the basis for the restitution order; however, the parties stipulated that Quigg was required to pay A.S. \$4,601 in restitution.

violence case manager. A.S.'s testimony was corroborated, in part, through her case manager, Angel Alfaro. Alfaro testified that she provided weekly counseling services to A.S. between August 2021 to April 2023. She stated that A.S. exhibited symptoms of post-traumatic stress disorder (PTSD) and battered woman syndrome. She further opined that the abuse A.S. suffered during her marriage with Quigg affected her psyche and ability to be self-sufficient. However, Alfaro had limited knowledge regarding the abuse A.S. suffered during her prior marriage, which is relevant in determining the extent of A.S.'s PTSD and battered woman syndrome symptoms that is attributed to abuse by Quigg. We do not find that OCTC has met its burden of establishing the additional aggravation it requests under this standard. Nevertheless, we find sufficient evidence in the record to support significant emotional harm to A.S., and we affirm moderate weight in aggravation.

3. High Level of Vulnerability of Victim (Std. 1.5(n))

The hearing judge declined to assign aggravation under standard 1.5(n). The judge found OCTC did not establish how A.S. is a vulnerable victim regarding the violations of the TRO. On review, OCTC argues A.S. is highly vulnerable because she had been suffering from Quigg's abuse for years, had undocumented immigration status, and was financially dependent on Quigg. OCTC further claims the abuse that A.S. suffered during her previous marriage was known to Quigg, and he used all of her vulnerabilities against her. Like the judge, we do not find that OCTC clearly and convincingly established how these alleged facts render A.S. a highly vulnerable victim. A.S. testified that Quigg helped her in securing legal residency during the course of their relationship because she had an undocumented status when they met. However, the evidence does not clearly and convincingly establish how A.S.'s prior undocumented status rendered her highly vulnerable in this matter. A.S. was able to navigate the legal system and successfully secured protective orders against Quigg, and although her immigration status may

have potentially placed A.S. in a vulnerable position at some point, OCTC has not established how A.S.'s immigration status caused heightened vulnerability as it relates to Quigg's misconduct. (See, e.g., *In the Matter of Brockway* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944, 959.) Accordingly, we afford no aggravation under standard 1.5(n).

B. Mitigation¹⁴

Quigg challenges the hearing judge's determination to not assign any weight for his extreme emotional difficulties. Standard 1.6(d) provides that mitigation may be assigned for extreme emotional difficulties or physical or mental disabilities if (1) the attorney suffered from them at the time of the misconduct; (2) they are established by expert testimony as being directly responsible for the misconduct; and (3) they no longer pose a risk that the attorney will commit future misconduct. The judge afforded no mitigation under standard 1.6(d) because she did not find the opinion of Quigg's witness, Dr. Vincent R. Sghiatti, reliable, nor did she find sufficient evidence to suggest that Quigg has overcome his depression. Quigg argues he is entitled to mitigation under standard 1.6(d) and claims "it is self-evident that [his] emotional difficulties no longer pose a risk" because he had not further violated the protective order. We assign no mitigation credit because Quigg did not meet his burden of proof.

Quigg presented Dr. Sghiatti, a general and sports physician, to testify regarding the nexus between his depression and his underlying criminal conviction. Dr. Sghiatti conducted an initial, 45-minute medical exam of Quigg on October 29, 2019, and prepared a three-page report. After

¹⁴ The hearing judge assigned limited weight to extraordinary good character (std. 1.6(f)), because Quigg's eight references, four who are attorneys, lacked full knowledge of his misconduct. (*In re Aquino* (1989) 49 Cal.3d 1122, 1131 [testimony of witnesses unfamiliar with details of misconduct not given significant weight in mitigation].) The judge also assigned limited weight to Quigg's cooperation with the State Bar (std. 1.6(e)), because he did not enter a "comprehensive stipulation as to facts nor admit to culpability." The parties do not challenge these findings, and based on our review of the record, we agree with the limited weight afforded both mitigating circumstances.

meeting with Quigg again on December 5, 2022, Dr. Sghiatti prepared a supplemental three-page report dated January 4, 2023, that clinically diagnosed Quigg with depression resulting from the September 2019 incident. Dr. Sghiatti also testified at the disciplinary trial. Under repeated questioning as to how Quigg's depression caused him to engage in the conduct that violated the TRO, Dr. Sghiatti testified that it was "common sense" and "self-explanatory." He also revealed that he was unaware of the prior domestic violence between Quigg and A.S., including Quigg's criminal conviction underlying *Quigg III*. In fact, Dr. Sghiatti lacked any knowledge regarding marital issues the couple suffered prior to the September 2019 incident. His clinical reports were also devoid of several facts and circumstances surrounding Quigg's most recent criminal conviction. Indeed, Dr. Sghiatti knew little about the totality of Quigg's abusive behavior prior to September 2019. Accordingly, we conclude that Quigg did not establish his depression was directly responsible for his violations of the TRO.

Finally, even if Quigg had established that his depression caused his misconduct, this did not establish that his depression no longer poses a risk of future misconduct. An attorney does not have to show that a mental illness no longer exists; rather, the attorney must show the disorder is unlikely to cause further misconduct. (See *In re Naney* (1990) 51 Cal.3d 186, 197 [attorney must show psychological disorder that contributed to misconduct is controlled].) Dr. Sghiatti testified during the disciplinary trial that Quigg was "doing well now" and was "rehabilitated." Contrary to this testimony, Dr. Sghiatti's supplemental report states that Quigg "appears to continue experiencing symptoms related to depression . . . and thus, appears to not have pulled out of depression completely." While Dr. Sghiatti opined that active participation in group counseling would benefit Quigg, he did not explain how his depression was controlled so that it was unlikely

to cause further misconduct. On this record, we find the evidence Quigg presented does not establish mitigation under standard 1.6(d) by clear and convincing evidence.¹⁵

V. DISBARMENT IS THE NECESSARY DISCIPLINE

Our role is not to punish Quigg for his crime; instead, our purpose is to recommend appropriate professional discipline, considering the goals of the discipline system. (*In re Brown* (1995) 12 Cal.4th 205, 217 [“the aim of attorney discipline is not punishment or retribution; rather, attorney discipline is imposed to protect the public, to promote confidence in the legal system, and to maintain high professional standards”].) While we “resolv[e] each case on its own particular facts[,]” (*In re Nadrich* (1988) 44 Cal.3d 271, 278), we have been directed to follow our standards “whenever possible.” (*In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) The hearing judge recommended disbarment with which OCTC agrees. Quigg requests a two-year actual suspension with conditions that he prove his rehabilitation and fitness to practice law.

We apply standard 2.15(b), which presumes disbarment or actual suspension is the appropriate discipline for a misdemeanor conviction involving moral turpitude. Considering Quigg’s three prior records of discipline, we also look to standard 1.8(b), which states that disbarment is appropriate where an attorney has two or more prior records of discipline if (1) an actual suspension was ordered in any prior disciplinary matter; (2) the prior and current disciplinary matters demonstrate a pattern of misconduct; or (3) the prior and current disciplinary matters demonstrate the attorney’s unwillingness or inability to conform to ethical responsibilities.

¹⁵ On April 25, 2024, Quigg filed a post-trial motion seeking to reopen the record to introduce a forensic psychological evaluation report by Dr. Craig Lareau, dated April 18, 2024. The hearing judge found the motion was procedurally defective and substantively lacked merit and denied it on June 5, 2024. In his opening brief on review, Quigg moved to augment the record with a forensic psychological report from Dr. Lareau, but he did not identify the date of the report or submit the report or a declaration in support thereof. Accordingly, his request is denied. (Rules Proc. of State Bar, rule 5.156(E).)

Quigg's case meets two of these criteria. First, he was actually suspended in his second and third disciplinary cases. Second, we find that his prior and current disciplinary matters demonstrate his unwillingness or inability to conform to his ethical responsibilities. We also consider that standard 1.8(b) does not apply if the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct. Neither exception applies here.

Quigg established mitigation for cooperation (limited) and extraordinary good character (limited). The total weight of these factors is not compelling nor does the mitigation clearly predominate over Quigg's serious misconduct and the aggravating factors of a prior record of discipline (substantial), indifference (substantial), and significant harm (moderate). Under these circumstances, we find no basis to depart from the presumed sanction of disbarment. Quigg has been involved in the disciplinary process for over 30 years, beginning in 1991, with his first disciplinary proceeding. His current misconduct exhibited moral turpitude based on his repeated and flagrant disregard for the law and violation of A.S.'s rights, and, when coupled with his prior misconduct in *Quigg III* that involved abuse toward the same victim, we are led to believe Quigg is unable or unwilling to conform his behavior to the ethical rules required of an attorney.

On review, Quigg urges us to depart from standard 1.8(b) and argues his prior record of discipline should be afforded less aggravating weight. He contends there is no "common thread" among his three prior disciplinary matters. As we have already discussed, we disagree with Quigg's arguments. He also asserts he has had no client-related discipline in nine years, and he has not violated a protective order since 2019. These circumstances are not compelling considering the totality of the record. Finally, he claims that case law supports a period of actual suspension rather than disbarment, relying on *In re Hickey* (1990) 50 Cal.3d 571 and *In the Matter of Stewart, supra*, 3 Cal. State Bar Ct. Rptr. at p. 61. These cases are distinguishable as no moral

turpitude was found, Hickey had no prior disciplinary matters, and Stewart only had one prior record of discipline.

We agree with the hearing judge that no recent case law exists that is substantially comparable to this case. Like the judge, we find some guidance in *In the Matter of Carver* (Review Dept. 2016) 5 Cal. State Bar Ct. Rptr. 427. Carver's two prior disciplinary matters included a public reproof based on his misconduct in a criminal conviction followed by a 90-day actual suspension for his failure to comply with probation conditions imposed in his prior discipline. In his third matter, Carver committed moral turpitude by engaging in the unauthorized practice of law (UPL). Applying standard 1.8(b), Carver was disbarred. (*In the Matter of Carver, supra*, 5 Cal. State Bar Ct. Rptr. at pp. 431-433.) Quigg's attempt to distinguish *In the Matter of Carver* from this case by asserting that UPL is more egregious than violating a protective order is not persuasive.

Case law and standard 1.8(b) necessitate Quigg's disbarment. A lesser discipline would not adequately protect the public and the courts and would not uphold confidence in the legal profession.¹⁶ (*In the Matter of Burns, supra*, 3 Cal. State Bar Ct. Rptr. at p. 416 [discipline system is responsible for preserving integrity of legal profession as well as protection of public].)

VI. RECOMMENDATIONS

We recommend that Vincent J. Quigg, State Bar Number 108932, be disbarred from the practice of law in California and that Quigg's name be stricken from the roll of attorneys.

¹⁶ The hearing judge recommended monetary sanctions of \$4,000. Neither party challenges this on review. After considering the facts and circumstances of the case, we determine that a \$4,000 sanction is appropriate due to Quigg's moral turpitude conduct that showed disdain for the law coupled with his substantial indifference, significant emotional harm caused to A.S., and three prior records of discipline. (See Rules Proc. of State Bar, rule 5.137 [up to \$5,000 sanction appropriate for disbarment].)

VII. CALIFORNIA RULES OF COURT, RULE 9.20

We further recommend that Quigg 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.¹⁷ (*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].)

VIII. MONETARY SANCTIONS

We further recommend that Quigg be ordered to pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$4,000 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, unless time for payment is extended pursuant to rule 5.137 of the Rules of Procedure of the State Bar.

IX. COSTS

We further recommend that 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

¹⁷ Quigg is required to file a rule 9.20(c) affidavit even if Quigg has no clients to notify on the date the Supreme Court files 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 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 at <<https://www.statebarcourt.ca.gov/Forms>>.

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 disbarred must be paid as a condition of applying for reinstatement.

X. MONETARY REQUIREMENTS

Any monetary requirements imposed in this matter shall be considered satisfied or waived when authorized by applicable law or orders of any court.

XI. INVOLUNTARY INACTIVE ENROLLMENT

The hearing judge's order that Quigg be transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4), effective March 30, 2024, will remain in effect pending the consideration and decision of the Supreme Court on this recommendation.

RIBAS, J.

WE CONCUR:

HONN, P. J.

McGILL, J.