



State Bar Court of the State Bar of California

ORIGINAL

Hearing Department: Los Angeles San Francisco

PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

Counsel for the State Bar SUSAN J. JACKSON, #125042 CHARLES A. MURRAY, #146069 1149 SOUTH HILL STREET LOS ANGELES, CA 90015-2299 (213) 765-1000	Case Number(s) 00-C-14169 01-H-00963 <div style="text-align: center;"> FILED MAR 21 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	(for Court use) <div style="text-align: center;"> LODGED DEC 20 2002 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel for Respondent DAVID M. NISSON, #109075 NISSON & NISSON 17501 Irvine Blvd., #9 Tustin, CA 92780	Submitted to Pilot Program Judge <div style="text-align: center;"> STIPULATION RE FACTS AND CONCLUSIONS OF LAW </div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of MONICA M. JIMENEZ Bar # 92740 A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted May 30, 1980
(Date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." This stipulation consists of 26 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts". See Attachment 1, incorporated here.
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law." See Attachment 1, incorporated here.
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

B. Aggravating Circumstances (Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).) Facts supporting aggravating circumstances are required.

- (1) Prior Record of Discipline [see standard 1.2(f)]
- (a) State Bar Court Case # of prior case 99-C-01275
- (b) Date prior discipline effective 9/14/00
- (c) Rules of Professional Conduct/State Bar Action violations SBA 6068 (a)
2nd DUI conviction.
- (d) Degree of prior discipline Public Reprimand
- (e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline"
- (2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct. Respondent committed other violations of the State Bar Act or Rules of Professional Conduct.
- (3) Trust violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. Failed to comply with conditions of prior Reprimand.
- (6) Lack of Cooperation: Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings. Failed to comply with discovery requests, forcing motions to compel.
- (7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

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

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

Additional mitigating circumstances:

Respondent has entered into an agreement to participate in the Lawyer Assistance Program of the State Bar and is complying with the conditions of that agreement.

1 THE STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 ENFORCEMENT
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5 CHARLES A. MURRAY, No. 146069
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7 Los Angeles, California 90015-2299
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FILED

MAR 21 2006

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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MAY 07 2002

STATE BAR COURT
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LOS ANGELES

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

THE STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of

12
13 MONICA MARIE JIMENEZ,
14 No. 92740

15 A Member of the State Bar
16

Case Nos. 00-C-14169-SER
01-H-00963-SER

**JOINT STIPULATION AS TO FACTS AND
CONCLUSIONS OF LAW**

(Rules Proc. of State Bar, rule 132)

17 The State Bar of California, Office of the Chief Trial Counsel, by and through
18 Deputy Trial Counsel Susan J. Jackson and Charles A. Murray ("State Bar"), Respondent
19 Monica Marie Jimenez ("Respondent"), and David M. Nisson, counsel for Respondent,
20 hereby submit the following Joint Stipulation as to Facts and Conclusions of Law to be
21 considered by the Court, pursuant to Rule 132 of the Rules of Procedure of the State Bar
22 of California.

23 **A. JURISDICTION**

24 1. Monica Marie Jimenez ("Respondent") was admitted to the practice of law in
25 the State of California on May 30, 1980, was a member at all times pertinent to these
26 charges, and is currently a member of the State Bar of California.

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1 **B. WAIVER**

2 1. The Notice of Disciplinary Charges in Case No. 01-H-00963-SER ("NDC")
3 was filed with the State Bar Court on October 31, 2001. It is the intention of the State
4 Bar and Respondent to dispose of the new and amended charges in Case No.
5 01-H-00963 without the necessity of filing an amended Notice of Disciplinary Charges.
6 Respondent, therefore, by executing this Stipulation, specifically waives all variances
7 between the facts and charges set forth in this Stipulation and the facts and charges set
8 forth in the NDC filed October 31, 2001 (including but not limited to the facts and
9 charges set forth in new Counts Five, Six and Seven), the issuance of an amended Notice
10 of Disciplinary Charges, the right to file an answer thereto, a formal hearing thereon, and
11 any other formal procedures.

12 **B. PARTIES' ACKNOWLEDGMENTS**

13 1. This Stipulation consists of 21 pages.

14 2. This Stipulation includes State Bar Case Numbers 00-C-14169-SER and
15 01-H-00963-SER, which are consolidated.

16 3. A statement of acts or omissions acknowledged by Respondent as cause or
17 causes for discipline is included in the "Facts and Conclusions of Law" section of this
18 Stipulation.

19 4. Respondent acknowledges that conclusions of law, drawn from and
20 specifically referring to the facts admitted by Respondent, regarding Respondent's
21 culpability of violating specified statutes and/or Rules of Professional Conduct, are
22 included under "Conclusions of Law".

23 5. This Stipulation resolves the captioned disciplinary matters except as to
24 disposition.

25 6. Respondent acknowledges the provisions of Business and Professions Code
26 sections 6086.10 and 6140.7, pertaining to payment of disciplinary costs.

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1 decision limited to whether the facts and circumstances surrounding the
2 offense involved moral turpitude or other misconduct warranting discipline.
3 The decision shall not include a recommendation regarding discipline
4 absent a complete waiver of the lack of finality of the conviction. (See rule
5 607, Rules of Procedure of the State Bar of California.)

6 If respondent timely objects to a hearing on this issue before the conviction
7 is final, the Hearing Department shall, after a hearing, file its finding, based
8 only on the record of conviction, whether there is probable cause to believe
9 that the facts and circumstances surrounding the offense involved moral
10 turpitude. If the Hearing Department finds probable cause, the Review
11 Department will consider placing respondent on interim suspension. (See
12 *In Re Patrick* (1983) 34 Cal. 3d 891.)

13 4. On October 23, 2001, the Review Department issued an augmented order,
14 stating as follows:

15 The reference heretofore ordered in the above entitled matter is augmented
16 under the authority of subdivision (a) of rule 951, California Rules of Court,
17 to include a hearing and decision recommending the discipline to be
18 imposed in the event that the Hearing Department finds that the facts and
19 circumstances surrounding the offense of which MONICA MARIE JIMENEZ
20 was convicted involved moral turpitude or other misconduct warranting
21 discipline.

22 **The Charges**

23 5. On July 26, 2000, a one-count complaint was filed against Respondent in
24 *People of the State of California v. Monica Marie Jimenezberquist* (aka Monica Jimenez-
25 Berquist. Monica Mari Jimenez-Berquist, Monica Marie Jimenez), Orange County
26 Superior Court Case No. SH00SM04328, charging Respondent with violation of
27 California Penal Code section 647(f) (Public Intoxication), a misdemeanor.

1 **The Conviction**

2 6. On October 16, 2000, Respondent, with the assistance of private counsel,
3 pled guilty to and was convicted of violation of California Penal Code section 647(f)
4 (Public Intoxication), a misdemeanor.

5 7. California Penal Code section 647(f) provides:

6 Every person who commits any of the following acts is guilty of
7 disorderly conduct, a misdemeanor:

8
9 (f) Who is found in any public place under the influence of
10 intoxicating liquor, any drug, controlled substance, toluene, or
11 any combination of any intoxicating liquor, drug, controlled
12 substance, or toluene, in such a condition that he or she is
13 unable to exercise care for his or her own safety or the safety
14 of others, or by reason of his or her being under the influence
15 of intoxicating liquor, any drug, controlled substance, toluene,
16 or any combination of any intoxicating liquor, drug, or
17 toluene, interferes with or obstructs or prevents the free use of
18 any street, sidewalk, or other public way.

19 **The Sentence**

20 8. On January 19, 2001, the court sentenced Respondent to 90 days in jail,
21 stayed pending successful completion of probation, and placed Respondent on three
22 years formal probation, with the following terms and conditions: obey all laws, all
23 orders, rules and regulations of the Probation Department, Court and jail and report any
24 violation in writing to the Court; comply with all directions of the Probation Officer;
25 report as directed by the Probation Officer; seek training, schooling or employment and
26 maintain residence as approved by the Probation Department; cooperate with the
27 Probation Officer in any plan for psychiatric, psychological, medical, alcohol and/or drug
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1 treatment, counseling or therapy; associate with persons subject to the approval of the
2 Probation Officer; pay the costs of probation as directed by the Probation Officer;
3 consume no alcohol beverages and do not go to places where alcohol is the chief item of
4 sale; reveal probation terms upon request of Peace Officer; pay \$100 State Restitution
5 Fee as directed by Probation; and continue with 18 months of monitored antabuse with
6 random testing.

7 **Facts and Circumstances Surrounding Respondent's Conviction**

8 9. Respondent admits that the following facts and circumstances surrounding
9 her conviction on October 16, 2000 for violation of California Penal Code section 647(f)
10 (Public Intoxication), are true.

11 10. On June 28, 2000, Ernie Garcia Hernandez ("Hernandez") picked up
12 Respondent from her office in Santa Ana, California and drove her to Mission Viejo, to
13 pick up her two minor sons, Eric and Mark, then ages 13 and 11, from school.

14 11. On June 28, 2000, Respondent was not permitted to drive because her
15 driver's license was suspended due to a prior conviction for driving under the influence of
16 alcohol.

17 12. Respondent's ex-husband, James Bergquist ("Bergquist"), Eric's and Mark's
18 father, had then and to date still has, sole physical custody of Eric and Mark Bergquist
19 and their other three minor children, Brook, Lauren and Ashley Bergquist. Respondent
20 was allowed monitored visits with the children and Hernandez was the monitor hired by
21 Respondent for the visit on June 28, 2000. Respondent was not permitted to consume
22 or be under the influence of alcohol during visitation.

23 13. On June 28, 2000, Hernandez drove Respondent and her sons, Eric and
24 Mark, to a Target store in Mission Viejo. After arriving at the Target store, Respondent
25 informed Hernandez that she was going to use the ATM machine near the front of the
26 store. Respondent walked toward the ATM machine. Hernandez and the boys went to
27 the toy section. After Respondent did not come to the toy section, Hernandez found her
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1 sitting on the floor being attended by paramedics.

2 14. Officer Schmaltz ("Schmaltz ") of the Orange Count Sheriff's Department,
3 Santa Ana, was called to the Target store to investigate a situation involving a female,
4 later identified as Respondent, who had possibly overdosed. He arrived at about 4:55
5 p.m. and was advised by the paramedics that Respondent was under the influence of
6 alcohol.

7 15. When Schmaltz arrived, Respondent's hair was disheveled, her lipstick was
8 smeared and he smelled the odor of alcohol on her person.

9 16. Schmaltz interviewed Respondent, Bergquist, Hernandez, Eric, Mark and
10 Paula Dianne Kivi ("Kivi"), the manager of the Target store.

11 17. Prior to Schmaltz's arrival, Kivi had been called to the front of the store by
12 another employee who told her there was a female down near the ATM machine.

13 18. Kivi went to the ATM machine and found Respondent sitting on the floor
14 with her back against the ATM machine. Respondent's head was slumped forward as if
15 she was sleeping. When Kivi approached Respondent and asked if she need help,
16 Respondent lifted her head and opened her eyes but did not answer. Kivi called 911 for
17 emergency assistance. Respondent was transported to the hospital for further
18 evaluation.

19 19. Schmaltz spoke with Respondent at the hospital, where her blood was
20 drawn for a blood alcohol test and other laboratory tests.

21 20. As Respondent spoke with Schmaltz, Respondent's breath smelled of
22 alcohol, her speech was slow and lethargic and she had difficulty keeping her eyes open.

23 21. In response to Schmaltz's questions, Respondent denied drinking alcohol
24 or using any medication that day.

25 22. As a result of what Schmatz described as her "extreme intoxicated
26 condition", no further sobriety tests were given to Respondent.

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1 23. Respondent told Schmaltz that she felt normal and was tired. Respondent
2 could not remember her birth date, and fell asleep several times as Schmaltz spoke to
3 her.

4 24. Respondent's blood alcohol level (BAC) was 0.327 percent shortly after she
5 arrived at the hospital.

6 25. On February 26, 2001, Respondent was terminated from her court-ordered
7 SB 38 18-month program for excessive absenteeism and for failure to maintain program
8 sobriety. This resulted from Respondent appearing at a scheduled National Council of
9 Alcoholism and Dangerous Drug group session under the influence of alcohol.

10 26. From April 9, 2001 to May 11, 2001, Respondent was admitted to the Betty
11 Ford Center, Professional Recovery Program, failed to successfully complete treatment
12 and was discharged at staff request.

13 27. From May 11, 2001 to June 8, 2001, Respondent was an inpatient at the
14 Betty Ford Center, successfully completed treatment and was discharged with staff
15 approval.

16 28. Respondent has five minor children, Eric, Mark, Brook, Lauren and Ashley
17 Bergquist, who now live with their father, James Bergquist, in Massachusetts. On August
18 29, 2001, James Bergquist was awarded sole physical custody of the children and the
19 parties were awarded joint legal custody. Respondent currently is allowed to have the
20 children visit her for eight weeks every year and some holidays, and is required to pay
21 child support.

22 **Probation Violation**

23 29. On July 15, 2001, after completing the Betty Ford Program, Respondent
24 testified positive for alcohol and was immediately transported to an inpatient facility.
25 On July 16, 2001, she was scheduled for arraignment for a probation violation and was
26 taken into custody. Bail was set at \$10,000. On July 20, 2001, she was released on
27 bail.

1 30. Prior to July 15, 2001, Respondent participated in Cornerstone of Southern
2 California, a chemical dependency treatment program. As result of her positive alcohol
3 test on July 15, 2001, Cornerstone recommended to Respondent that she participate in
4 an inpatient program in their facility, for at least six months. Respondent was unwilling
5 to agree to the recommended program and stopped participating in the Cornerstone
6 program.

7 31. In its Advisement to the criminal court dated August 6, 2001, Cornerstone
8 stated that it recommended at least a six month commitment in their inpatient facility,
9 but could not reach agreement with Respondent, who was unwilling to accept their
10 terms.

11 32. On August 24, 2001, the Court ordered Respondent's probation reinstated
12 and modified. She was ordered to comply with additional conditions and placed on
13 "intensive supervision" by the Probation Department.

14 **Prior Criminal Convictions**

15 33. Respondent admits that prior to her conviction on October 16, 2000 for
16 violation of California Penal Code section 647(f) (Public Intoxication), she was previously
17 convicted twice for alcohol-related matters, as set forth below. Respondent represents
18 that she has not otherwise been arrested or convicted in alcohol-related matters.

19 **The December 31, 1998 Arrest and Conviction**

20 34. Respondent represents that her first arrest in an alcohol-related matter
21 occurred on December 31, 1998.

22 35. On December 31, 1998, Respondent was arrested for driving under the
23 influence of alcohol in *People v. Jimenez*, Orange County Superior Court Case No.
24 SH99SM55049. At the time of her arrest, her blood alcohol level (BAC) was 0.34
25 percent.

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1 36. On May 7, 1999, Respondent was convicted for violation of California
2 Vehicle Code section 23152(b) (driving under the influence with alcohol with 0.08 or
3 more), a misdemeanor, and placed on conditional probation for three years.

4 37. Respondent represents that her May 7, 1999 conviction was her first
5 conviction in an alcohol-related matter.

6 38. Among the usual terms and conditions of probation, Respondent was
7 ordered to serve two days in county jail, not drive without a valid driver's license, not
8 drive a motor vehicle with a measurable amount of alcohol or drugs in blood, obey all
9 laws, orders, rules and regulations of the Probation Department, Court and Jail,
10 complete a nine month first offender alcohol program and attend three meetings per
11 week of Alcoholic Anonymous.

12 39. On November 23, 1999 and August 10, 2000, Respondent was found in
13 violation of probation. On January 19, 2001, she was reinstated on formal probation for
14 the balance of the term.

15 **The April 18, 1999 Arrest and Conviction**

16 40. Respondent represents that her second arrest in an alcohol-related matter
17 occurred on April 18, 1999.

18 41. On April 18, 1999, Respondent was arrested for driving under the influence
19 of alcohol and evading a peace officer, in *People v. Jimenez*, Orange County Superior
20 Court Case No. CH99SM58125. She also refused to take a chemical test, and did not
21 have her registration or proof of insurance.

22 42. On December 15, 1999, Respondent was convicted for violation of
23 California Vehicle Code sections 23152(a) (driving under the influence) and 2800.1(a)
24 (evading a police officer), misdemeanors, and placed on conditional probation for five
25 years.

26 43. Respondent represents that her December 15, 1999 conviction was her
27 second conviction in an alcohol-related matter.

1 44. Among the usual terms and conditions of probation, Respondent was
2 ordered to serve 180 days in county jail, not drive without a valid driver's license, not
3 drive a motor vehicle with a measurable amount of alcohol or drugs in blood, obey all
4 laws, orders, rules and regulations of the Probation Department, Court and Jail,
5 complete an 18-month second offender alcohol program and consume no alcoholic
6 beverages.

7 45. On April 18, 2000, October 16, 2000 and January 19, 2001, Respondent
8 admitted to probation violations, in part due to her conviction on October 16, 2000 for
9 violation of California Penal Code section 647(f) (Public Intoxication), as set forth above.
10 Probation was modified from conditional to formal for the balance of the probation term.

11 46. Respondent's December 15, 1999 conviction resulted in State Bar Case No.
12 99-C-12275.

13 47. On August 15, 2000, Respondent entered into a Stipulation Re Facts,
14 Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in
15 Case No. 99-C-12275. On August 29, 2000, the State Bar Court filed an Order
16 approving the Stipulation and imposing upon Respondent a public reproof with
17 conditions, effective September 14, 2000.

18 48. Respondent failed to comply with conditions of her public reproof. As a
19 result, on October 31, 2001, the State Bar filed a Notice of Disciplinary Charges in Case
20 No. 01-H-00963, as set forth below.

21 **CONCLUSIONS OF LAW**

22 By the foregoing conduct, Respondent violated the laws of the State of California,
23 in wilful violation of Business and Professions code, section 6068(a), and committed acts
24 involving moral turpitude, dishonesty or corruption in wilful violation of Business and
25 Professions code, section 6106.

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II.

CASE NO. 01-H-00963

NOTICE OF DISCIPLINARY CHARGES FILED OCTOBER 31, 2001

1. The Notice of Disciplinary Charges in Case No. 01-H-00963 ("NDC") was filed on October 31, 2001 and consists of four counts.

GENERAL ALLEGATIONS

2. On August 15, 2000, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in Case No. 99-C-12275.

3. On August 29, 2000, the Hearing Department of the State Bar Court filed an Order approving the Stipulation and imposing upon Respondent a public reproof with conditions ("Order"). On August 29, 2000, the Order was properly served by mail upon Respondent.

4. The Order and the public reproof became effective on September 14, 2000.

5. Pursuant to the August 29, 2000 Order, and as set forth in the Stipulation, Respondent was required to comply with certain terms and conditions attached to the public reproof for a period of three years, including the following conditions:

- a. Comply with the provisions of the State Bar Act and the Rules of Professional Conduct during the condition period attached to the reproof.
- b. Submit to the State Bar Probation Unit written quarterly reports each January 10, April 10, July 10, and October 10 of each year or part thereof during the condition period attached to the reproof, declaring under penalty of perjury that she has complied with all provisions of the State Bar Act and the Rules of Professional Conduct during the preceding calendar quarter or part thereof covered by the report and submit a final report no earlier than twenty days prior to

1 the expiration of the condition period attached to the reproof and no
2 later than the last day of said condition period.

3 c. Comply with all conditions of probation imposed in the underlying
4 criminal matter and so declare under penalty of perjury in
5 conjunction with any quarterly report required to be filed with the
6 Probation Unit.

7 d. Within one year of the effective date of the reproof, attend State Bar
8 Ethics School (Ethics School"), pass the test given at the end of such
9 session and provide proof of compliance to the Probation Unit.

10 6. On January 24, 2000, in the underlying criminal matter, Respondent pled
11 guilty and was sentenced to conditional probation for five years.

12 7. By letter dated on September 22, 2000 (the "September 22, 2000 letter"),
13 Lydia Dineros, Probation Deputy, Probation Unit, Office of the Chief Trial Counsel, State
14 Bar of California, reminded Respondent of those terms and conditions of the reproof
15 that required submissions of proof of compliance to the Probation Unit, including the
16 requirement to submit quarterly reports, the requirement to comply with criminal
17 probation and report such compliance quarterly and the requirement to attend Ethics
18 School.

19 8. Attached to the September 22, 2000 letter were, among other documents,
20 quarterly report forms, quarterly report instructions, and copies of those pages of the
21 Stipulation setting forth the conditions of the reproof. The quarterly report forms
22 contained, among other items, boxes for Respondent to check to indicate her compliance
23 with the conditions of the reproof, including her compliance with the conditions of
24 probation imposed in the underlying criminal matter, and spaces to fill in the dates that
25 she enrolled in and completed Ethics School. Respondent was required to sign and date
26 each quarterly report form under penalty of perjury.

1 needed to submit a completed quarterly report. Ms. Brinson also provided her facsimile
2 number to assist Respondent in submitting a completed quarterly report. Respondent
3 failed to respond to Ms. Brinson's message. On October 25, 2001, nine months late, the
4 State Bar first received a completed quarterly report due January 10, 2001.

5 14. Respondent failed to submit to the Probation Unit a quarterly report due
6 April 10, 2001.

7 **Conclusions of Law**

8 By failing to timely submit to the Probation Unit a quarterly report due January
9 10, 2001 and by failing to submit a quarterly report due April 10, 2001, Respondent
10 failed to comply with the terms and conditions of her public reproof ordered on August
11 29, 2000, in wilful violation of Rules of Professional Conduct, rule 1-110.

12 COUNT TWO

13 Case No. 01-H-00963

14 *Rule of Professional Conduct, rule 1-110*

15 [Failure to Comply With Conditions Attached to Public Reproof -
16 Compliance With Criminal Probation and Reporting Such Compliance

17 15. The allegations of General Allegations and Count One are incorporated by
18 reference.

19 16. On October 10, 2001, the State Bar Probation Unit received a completed
20 quarterly report due October 10, 2001, in which respondent stated that during the
21 preceding calendar quarter ending September 30, 2001, she failed to comply with the
22 conditions of probation imposed upon her in the underlying criminal matter.

23 17. On October 25, 2001, nine months late, the State Bar Probation Unit first
24 received a completed quarterly report due January 10, 2001 in which respondent first
25 stated that during the preceding calendar quarter she complied with the conditions of
26 probation imposed upon her in the underlying criminal matter. Respondent failed to
27 submit to the Probation Unit a quarterly report due April 10, 2001 and has never
28 reported to the Probation Unit whether she has complied with the conditions of

1 probation imposed upon her in the underlying criminal matter in the preceding calendar
2 quarter ending March 31, 2001.

3 **Conclusions of Law**

4 1. By failing to comply with the conditions of probation imposed upon her in
5 the underlying criminal matter during the quarter ending September 30, 2001,
6 Respondent failed to comply with the terms and conditions of her public reproof ordered
7 on August 29, 2000, in wilful violation of Rules of Professional Conduct, rule 1-110.

8 2. By failing to timely submit to the Probation Unit a statement due January
9 10, 2001, declaring that during the preceding calendar quarter she complied with the
10 conditions of probation imposed upon her in the underlying criminal matter, Respondent
11 failed to comply with the terms and conditions of her public reproof ordered on August
12 29, 2000, in wilful violation of Rules of Professional Conduct, rule 1-110.

13 3. By failing to submit to the Probation Unit a statement due April 10, 2001,
14 declaring that during the preceding calendar quarter ending March 31, 2001 she
15 complied with the conditions of probation imposed upon her in the underlying criminal
16 matter, Respondent failed to comply with the terms and conditions of her public reproof
17 ordered on August 29, 2000, in wilful violation of Rules of Professional Conduct, rule
18 1-110.

19 COUNT THREE

20 Case No. 01-H-00963
21 Rule of Professional Conduct, rule 1-110
22 [Failure to Comply With Conditions Attached to Public Reproof -
Ethics School]

23 18. The allegations of General Allegations, and Counts One and Two are
24 incorporated by reference.

25 19. Within one year of the effective date of the reproof, Respondent failed to
26 attend or enroll in Ethics School. Respondent also failed to attend or enroll in Ethics
27 School by September 18, 2001.

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III.

CASE NO. 01-H-00963

NOTICE OF DISCIPLINARY CHARGES FILED OCTOBER 31, 2001

NEW COUNTS

1. Following are new Counts Five, Six and Seven to the Notice of Disciplinary Charges filed in Case No. 01-H-00963 on October 31, 2001, in which the parties agree on facts and culpability.

COUNT FIVE

Case No. 01-H-00963
Rule of Professional Conduct, rule 1-110
[Failure to Comply With Conditions Attached to Public Reproval -
Quarterly Reports]

2. The allegations of General Allegations and Counts One through Four are incorporated by reference.

3. Respondent failed to submit to the Probation Unit a quarterly report due January 10, 2002.

4. Respondent failed to submit to the Probation Unit a quarterly report due April 10, 2002.

Conclusions of Law

By failing to submit to the Probation Unit two quarterly reports due January 10, 2002 and April 10, 2002, respectively, Respondent failed to comply with the terms and conditions of her public reproval ordered on August 29, 2000, in wilful violation of Rules of Professional Conduct, rule 1-110.

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1 9. Respondent failed to comply with the terms and conditions of her public
2 reproof ordered on or about August 29, 2000.

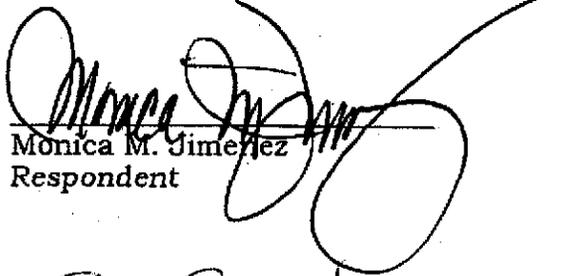
3 **Conclusions of Law**

4 By failing to comply with the terms and conditions of her public reproof ordered
5 on August 29, 2000, Respondent failed to obey a court order, in wilful violation of
6 Business and Professions Code section 6103.

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8 **AGREED AND ACCEPTED:**

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10 Respectfully submitted,

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12 Dated: May 7, 2002

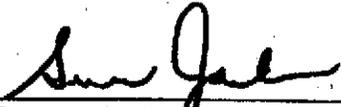
13 By: 
14 Monica M. Jimenez
15 Respondent

16 Dated: May 7, 2002

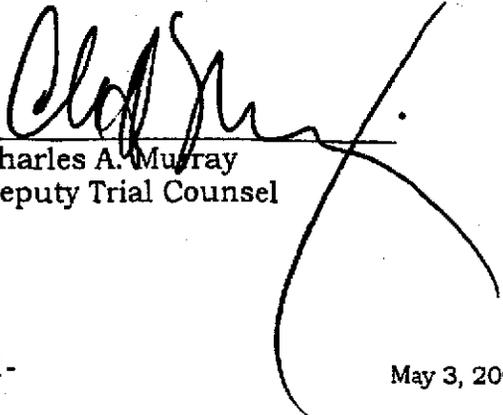
17 By: 
18 David M. Nisson
19 Counsel for Respondent

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

22 Dated: May 7, 2002

23 By: 
24 Susan J. Jackson
25 Deputy Trial Counsel

26 Dated: May 7, 2002

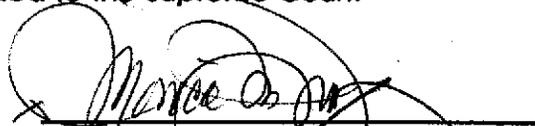
27 By: 
28 Charles A. Murray
Deputy Trial Counsel

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

If the Respondent does not sign the Pilot Program contract or is not accepted into the Pilot Program, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

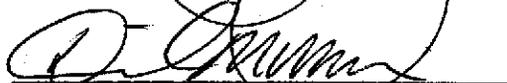
If the Respondent is accepted into the Pilot Program, upon Respondent's successful completion of the Program or termination from the Program this Stipulation will be filed and either the reduced or enhanced discipline as set forth in Pilot Program contract, as appropriate, will be imposed by the State Bar Court or recommended to the Supreme Court.

11-8-02
Date


Respondent's Signature

Monica M. Jimenez
Print Name

11-8-02
Date


Respondent's Counsel Signature

David M. Nisson
Print Name

11/8/02
Date


Deputy Trial Counsel's Signature

Susan J. Jackson
Print Name

11/08/02
Date


Deputy Trial Counsel's Signature

Charles A. Murray
Print Name

ORDER

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

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

12-12-02
Date

Pamela Baughn
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on December 20, 2002, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND ORDER
APPROVING, signed December 12, 2002**

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

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

**DAVID MATHIAS NISSON ESQ
NISSON & NISSON
17501 IRVINE BLVD #9
TUSTIN, CA 92780**

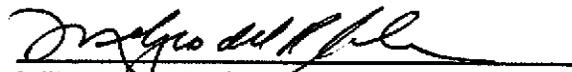
**MÓNICA MARIE JIMENEZ ESQ
1313 W CIVIC CTR DR #4
SANTA ANA, CA 92703**

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

Susan Jackson, Enforcement, Los Angeles

Charles Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 20, 2002.



Milagro del R. Salmeron
Case Administrator
State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 21, 2006, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW;
JOINT STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW**

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

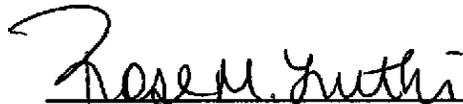
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID M. NISSON, ESQ.
NISSON & NISSON
17501 IRVINE BLVD #9
TUSTIN CA 92780**

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

CHARLES MURRAY, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **March 21, 2006**.



Rose M. Luthi
Case Administrator
State Bar Court