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State Bar Court of California		
Hearing Department		<input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco
Counsel for the State Bar Diane J. Meyers Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 Bar # 146643	Case number(s) 01-0-04948-RMT	(for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center;">JAN 09 2006</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent David A. Clare 4675 Macarthur Court Suite 1250 Newport Beach, CA 92660 Bar # 44971	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of Ana Maria Patino Bar # 86606 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted May 31, 1979 (date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation, are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 11 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(Do not write above this line.)

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- costs to be paid in equal amounts prior to February 1 for the following membership years:
2007 and 2008.
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

B. Aggravating Circumstances [for definition, see 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 90-0-17497

(b) Date prior discipline effective March 17, 1993

(c) Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 3-700(D)(1), and Business and Professions Code Section 6104.

(d) Degree of prior discipline PUBLIC REPROVAL.

(e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "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.

(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.

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see 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 with 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 or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced 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 was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug 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.

(Do not write above this line.)

- (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:

See attachment to stipulation at p. 9.

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of one year.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following: _____
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of three years.
which will commence upon the effective date of the Supreme Court order in this matter.
(See rule 953, Calif. Rules of Ct.)

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(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of 30 days.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following: _____

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

(4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

(5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

(6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

(7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

(Do not write above this line.)

- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: _____
- (2) **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ANA MARIA PATINO

CASE NUMBER(S): 01-O-04948-RMT

FACTS AND CONCLUSIONS OF LAW.

Facts

1. Prior to May 25, 2001, Respondent was a subscriber to Claralaw.net ("Claranet"), a private subscription service, operated under the auspices of the California Public Defenders Association ("CPDA). Membership as a subscriber is limited to licensed criminal defense attorneys who must obtain permission from Claranet and sign a license to use the Claranet service. Prior to being admitted as a member with subscriber privileges, applicants must complete a membership form ("agreement form"). The agreement form requires the applicant to give personal information to Claranet. The applicant then must sign an agreement that the information is accurate and that the applicant agrees to conform with the rules of Claranet.
2. On May 25, 2001, Claranet notified Respondent that she was suspended from using Claranet and that her service had been cancelled because she had violated the rules of, and her agreement with, Claranet.
3. On or before June 12, 2001, Respondent obtained the personal information of Lianna Figueroa ("Figueroa"), a member in good standing with the State Bar of California.
4. On or about June 12, 2001, Respondent obtained a "Claranet Subscribers Services Agreement Form" ("form") and without Figueroa's permission or knowledge, Respondent completed the form, using Figueroa's identity and personal information and signed Figueroa's name to the form. Respondent did this in order to apply for, and obtain from CPDA, a membership in Claralaw.net.
5. On June 13, 2001, Respondent purchased a Washington Mutual money order, number 972803261, payable to CPDA for \$145. Without Figueroa's permission or knowledge, Respondent signed the name "Lianna Figueroa" on the money order in the designated area entitled "purchaser's signature", and used the money order to obtain services from Claranet.
6. Once Respondent gained access to Claranet on June 16, 2001, she continued to use Figueroa's name without Figueroa's permission or knowledge by signing Respondent's Claranet e-mail as "Lianna Figueroa" on June 16, June 28, July 2, July 10 and July 25, 2001.

7. On or about August 27, 2001, Respondent completed a "Claranet Agreement Form-Terms and Conditions Agreement" ("agreement"), and without Figueroa's permission or knowledge, used Figueroa's identity and personal information, and signed Figueroa's name to the agreement in order to obtain the subscription service from CPDA.

8. On August 27, 2001, Respondent purchased a Washington Mutual money order, number 110706519, payable to CPDA for \$99. Without Figueroa's permission or knowledge, Respondent signed the name "Lianna Figueroa" on the money order in the designated area entitled "purchaser's signature", and used the money order to obtain services from Claranet.

9. On August 30, 2001, Respondent used Figueroa's name without Figueroa's permission or knowledge by signing Respondent's Claranet e-mail as "Lianna Figueroa"

Conclusion of Law

By using Figueroa's identity and personal information and by signing Figueroa's name on the form, agreement, money orders, and Claranet e-mail, without Figueroa's permission or knowledge, to obtain services from CPDA, Respondent committed acts involving moral turpitude in wilful violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was December 20, 2005.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.3 provides that culpability of a member of an act of moral turpitude toward a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

In *In the Matter of Mitchell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 332, an attorney was found culpable of misrepresenting his educational background on his resume over an approximate three-year period. The attorney did not correct or attempt to correct his misrepresentations during a job interview. The attorney's misconduct was aggravated by two other instances where the attorney had sent a false resume to two other law firms and by the attorney's untruthful statements to the State Bar in response to interrogatories. The attorney had no prior record of discipline, but only had been an attorney for approximately five years when his misconduct began. The prospective employers suffered no harm from the misconduct. At the time of the misconduct, the attorney's judgment was clouded because he was concerned about his ability to support his family. A sixty-day actual suspension, a one-year stayed suspension, and a one-year probation was recommended by the Review Department.

MITIGATING CIRCUMSTANCES.

ADDITIONAL MITIGATING CIRCUMSTANCES.

Criminal charges were dismissed against Respondent after she demonstrated remorse and acknowledged her misconduct by apologizing to Figueroa, performing community service, and paying a fine. Respondent's misconduct did not significantly harm Figueroa or Claranet. Prior to Respondent's misconduct, Respondent had used Claranet to seek advice from experienced and knowledgeable lawyers in criminal law. Respondent viewed Claranet as a vital and invaluable tool for her as a sole practitioner. Respondent decided to use Figueroa's name to regain access to the Claranet service because she was concerned with the possible effect on her clients that losing the service would have. Respondent did not intend to harm Figueroa. Respondent's misconduct did not affect any client or the courts. Respondent's misconduct was aberrational. Respondent has not engaged in further misconduct since these events.

Respondent has demonstrated a significant period of reputable practice and community service, not only before, but after, the occurrence of her misconduct. (*In the Matter of Klein* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 1, 12.) Respondent has performed, and continues to perform substantial pro bono services in the general and legal communities. Among her pro bono activities, she lectures Hispanic students in continuation high schools and other high schools on a variety of topics including self-improvement, getting out of gangs, and the opportunities for Hispanics to receive college scholarships. Respondent also mentors Hispanic women students at Mountain View, Santa Ana and Santiago High Schools in Orange County through the League of United Latin American Citizens. She has mentored approximately two such students each year for the past five years approximately.


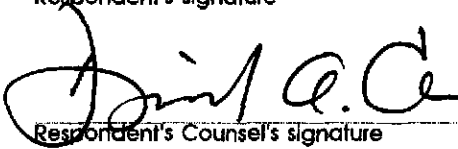
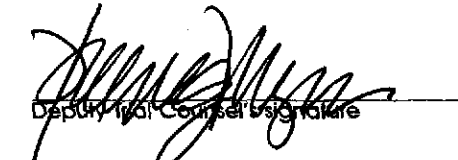
Respondent's prior discipline is over ten years old and the prior misconduct occurred in 1990. As such, the prior discipline should be given lesser weight. (See, e.g., *In the Matter of Whitehead* (Review Dept. 1991) 1 Cal. State Bar. Ct. Rptr. 354, 360, where a hearing referee concluded that the attorney's prior discipline for an event that occurred twelve years prior to the proceeding before the referee was so remote in time and minimal in nature that imposition of greater discipline based thereon would be manifestly unjust.)

(Do not write above this line.)

In the Matter of Ana Maria Patino	Case number(s): 01-0-04948-RMT
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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.

1/5/2006 Date	 Respondent's signature	Ana Maria Patino Print name
1/5/06 Date	 Respondent's Counsel's signature	David A. Clare Print name
1/6/06 Date	 Deputy Trial Counsel's signature	Diane J. Meyers Print name

(Do not write above this line.)

In the Matter of Ana Maria Patino	Case number(s): 01-0-04948-RMT
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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 rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

JANUARY 06, 2006
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 January 9, 2006, I deposited a true copy of the following document(s):

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

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

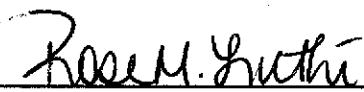
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID CLARE, ESQ.
4675 MACARTHUR COURT STE 1250
NEWPORT BEACH CA 92660**

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

DIANE MEYERS, A/L, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 9, 2006.**



Rose M. Luthi
Case Administrator
State Bar Court