

<p>Counsel for the State Bar                  THE STATE BAR OF CALIFORNIA                  OFFICE OF THE CHIEF TRIAL COUNSEL                  ENFORCEMENT                  DAVID T. SAUBER No. 176554                  1149 South Hill Street, 9th Floor                  Los Angeles, California 90015-2299                  Telephone: (213) 765-1000</p>	<p>Case number(s)                  02-N-15505</p> <p>kwiktag® 035 115 420  </p>	<p>(for Court's Use)  <b>FILED</b>                  JAN 15 2004 <i>Yc</i>                  STATE BAR COURT                  CLERK'S OFFICE                  LOS ANGELES</p>
<p>Counsel for Respondent                  Ella S. Chatterjee                  IN PRO PER                  7704 Elmdale Way                  Stanton, CA 90680                    909-818-0591</p>	<p><b>PUBLIC MATTER</b></p>	
<p>In the Matter of                    ELLA S. CHATTERJEE                    Bar # No. 149923                  A Member of the State Bar of California                  (Respondent)</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION                  AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

A. Parties' Acknowledgments:

December 4, 1990

- (1) Respondent is a member of the State Bar of California, admitted \_\_\_\_\_ (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 14 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) 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. (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:  
 2005, 2006 and 2007  
 \_\_\_\_\_  
 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth under "Partial Waiver of Costs"
  - costs entirely waived

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 of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B: Aggravating Circumstances [for definition, see Standards for Attorney Sections 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 99-0-10705

(b)  date prior discipline effective July 31, 2002

(c)  Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct ("RPC") rules 4-100(A) Commingling; 4-100(B)(4) Failure to Pay Client Funds Promptly; RPC 3-700(A)(2) Improper Withdrawal from Representation; Business and Professions Code Sections 6106 Issuing Insufficient Funds Checks; B&P 6068(i) Failure to Cooperate with State Bar Investigators; B&P 6106 Misappropriation; B&P 6068(m) Failure to Respond to Client Inquiries

(d)  degree of prior discipline 300 Days Actual Suspension; 3 years Stayed Suspension; 3 years Probation

(e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".  
State Bar Case No., 00-0-10146; Date prior discipline effective August 31, 2001; Violations - Rules of Professional Conduct 3-100(A); Business and Professions Code sections 6068(m) and 6068(i); Degree of Prior Discipline 45 Days Actual Suspension, One year stayed suspension and until motion per rul 205.

- (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.
- (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 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 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.
- (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:

D. Discipline

1. Stayed Suspension.

- A. Respondent shall be suspended from the practice of law for a period of Three (3) years
- 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 to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_, and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
  - iii. and until Respondent does the following: \_\_\_\_\_
- B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of Three (3) years, which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

- A. Respondent shall be actually suspended from the practice of law in the State of California for a period of Six (6) months
- 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 to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_, and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
  - 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 shall 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 shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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)  Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all

conditions of probation covering the preceding calendar quarter. The first report would cover less than 30 days, that report shall 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.

- DTJ*
- (5)  Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6)  Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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.
- (7)  Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit 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.
- (8)  Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9)  The following conditions are attached hereto and incorporated:
- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions                        |
- (10)  Other conditions negotiated by the parties: See attachment entitled "Mental Health Conditions"
- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel 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.
- Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        ELLA S. CHATTERJEE

CASE NUMBER:            02-N-15505

**FACTS AND CONCLUSIONS OF LAW.**

**FACTS:**

On or about November 12, 2001, Respondent signed a *Stipulation re Facts, Conclusions of Law and Disposition and Order Approving* ("Stipulation") in Case Nos. 99-O-10705, 00-O-12735, and 00-O-14633. The Stipulation was filed in State Bar Court on January 18, 2002.

In a separate disciplinary matter involving Respondent which was entered based on Respondent's default, State Bar Case No.00-O-10146, Respondent was required to file a rule 955 declaration pursuant to Supreme Court Order S098519. Respondent filed that rule 955 declaration on December 31, 2001.

On or about July 1, 2002, the California Supreme Court filed Order No. S106180 [State Bar Court Case Nos. 99-O-10705; 00-O-12735; 00-O-14633 (Cons.)] (hereinafter "955 Order"). The 955 Order included a requirement that Respondent comply with Rule 955, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the Supreme Court Order.

Specifically, the 955 Order required Respondent to comply with Rule 955(a) by notifying all clients and any co-counsel of his suspension, delivering to all clients any papers or other property to which the clients are entitled, refunding any unearned attorney fees, notifying opposing counsel and adverse parties of his suspension and filing a copy of said notice with the court, agency, or tribunal before which the litigation is pending. Respondent was further required to comply with Rule 955(c) by filing with the Clerk of the State Bar Court an affidavit showing that he fully complied with those provisions of the order entered pursuant to Rule 955.

The Supreme Court Order became effective on July 31, 2002, thirty days after the 955 Order was entered. Thus, Respondent was ordered to comply with subdivision (a) of Rule 955 of the California Rules of Court no later than on or about August 30, 2002, and was ordered to comply with subdivision (c) of Rule 955 no later than on or about September 9, 2002.

On or about July 1, 2002, the Clerk of the Supreme Court of the State of California served upon Respondent a copy of the 955 Order.

On or about July 19, 2002, the Probation Unit of the Office of the Chief Trial Counsel of the

State Bar of California sent to Respondent at his official State Bar Membership Records address a true and accurate copy of the 955 Order. This mailing included a letter to Respondent reminding her of her duty to comply with the 955 order and the dates of compliance. This mailing was sent with adequate postage by regular mail via the United States Postal Service. The July 19, 2002, letter with enclosures was not returned as undeliverable or otherwise.

As of May 20, 2003, the date the Notice of Disciplinary Charges was filed, Respondent had failed to file a declaration of compliance regarding Rule 955 in conformity with the requirements of Rule 955(c).

On or about August 26, 2003, Respondent filed a rule 955 declaration for Order No. S106180.

#### CONCLUSIONS OF LAW:

By not filing a declaration of compliance regarding Rule 955 in conformity with the requirements of Rule 955(c) and in a timely manner, Respondent failed to comply with the provisions of Order No. S106180 requiring compliance with Rule 955, California Rules of Court.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was December 5, 2003.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 5, 2003, the estimated prosecution costs in this matter are approximately \$2,296. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

#### **MITIGATING CIRCUMSTANCES.**

#### **FACTS SUPPORTING MITIGATING CIRCUMSTANCES.**

During the time period in question, Respondent was suffering from clinical depression. Respondent was being treated by medical professionals with anti-depressant medications. Respondent has provided her medical records to verify these facts. According to Respondent, her depression and the resulting medication were factors leading to her confusion as to whether she had fulfilled her rule 955 filing requirements in this matter. Specifically, Respondent believed her filing of the rule 955 declaration for

Order No. S098519 in December 2001 also covered her rule 955 obligations in the instant matter given the fact that she had signed the stipulation in November 2001. This belief was incorrect and Respondent acknowledges this fact and has since submitted a separate rule 955 declaration for Order No. S106180.

### **STATE BAR ETHICS SCHOOL.**

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

### **MENTAL HEALTH CONDITIONS:**

- Within thirty (30) days of the effective date of this order, if she has not done so already, Respondent shall:
  - report to the Lawyer Assistance Program of the State Bar of California (LAP) for an evaluation regarding substance abuse and mental health issues;
  - sign a written agreement with LAP to be evaluated; and,
  - sign a waiver directing and authorizing LAP to timely notify the Office of Probation of her compliance and noncompliance with the terms and conditions of her LAP evaluation agreement, according to the protocol for such reporting developed by the LAP and the State Bar Court.

Respondent shall provide satisfactory evidence of such compliance to the Office of Probation.

- Respondent shall comply with the terms and conditions of LAP for her evaluation.

In each written report required pursuant to this order, Respondent shall provide satisfactory evidence of such compliance to the Office of Probation.

- At the conclusion of her evaluation by LAP, Respondent shall sign the LAP participation agreement presented to her and she shall sign a waiver directing and authorizing LAP to timely notify the Office of Probation of her compliance and noncompliance with the terms and conditions of her LAP participation agreement, according to the protocol for such reporting developed by the LAP and the State Bar Court.

Within ten (10) days of signing her LAP participation agreement, Respondent shall provide satisfactory evidence of such compliance to the Office of Probation.

- Respondent shall remain in compliance with all treatment and monitoring terms and conditions of her LAP participation agreement, whether as initially recommended or as LAP may change or modify those conditions thereafter.

In each written report required pursuant to this order, Respondent shall provide satisfactory evidence of such compliance to the Office of Probation.

#### **REPORTING CONDITIONS:**

At the time Respondent's first quarterly report is due pursuant to the instant disciplinary orders, Respondent shall file with the Office of Probation a statement declared under penalty of perjury regarding whether Respondent possessed any client funds, property, or security during the period of August 1, 2002, through December 31, 2003.

If Respondent possessed any client funds, property, or security during this time period, she must also file with the Office of Probation, at the time her first quarterly report is due, a certificate from a certified public accountant or other financial professional approved by the Office of Probation, certifying that:

- a. respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account":
- b. respondent has kept and maintained the following:
  - i. a written ledger for each client on whose behalf funds are held;
  - ii. a written journal for each client trust fund account;
  - iii. a bank statements and cancelled checks for each client trust account; and
  - iv. each monthly reconciliation (balancing) of i, ii, and iii, above, the reasons for the differences.
- c. respondent has maintained a written journal of securities or other properties held for clients that specifies:
  - i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;

- iv. the date of distribution of the security or property; and
- v. the person to whom the security or property was distributed.

**RESTRICTIONS WHILE ON ACTUAL SUSPENSION.**

1. During the period of actual suspension, respondent shall not:

- Render legal consultation or advice to a client;
- Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
- Appear as a representative of a client at a deposition or other discovery matter;
- Negotiate or transact any matter for or on behalf of a client with third parties;
- Receive, disburse, or otherwise handle a client's funds; or
- Engage in activities which constitute the practice of law.

2. Respondent shall declare under penalty of perjury that he or she has complied with this provision in any quarterly report required to be filed with the Probation Unit, pertaining to periods in which the respondent was actually suspended from the practice of law.

Respondent admits that the foregoing facts are true and that he/she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

In the Matter of

Ella S. Chatterjee

Case Number(s):

02-N-15505

A Member of the State Bar

Financial Conditions

- a.  Respondent shall pay restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) of \_\_\_\_\_, plus 10% interest per annum accruing from \_\_\_\_\_, and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel,
- no later than \_\_\_\_\_
- or
- on the payment schedule set forth on the attachment under "Financial Conditions, Restitution."
- b.  1. If respondent possesses client funds at any time during the period covered by a required quarterly report, respondent shall file with each required report a certificate from respondent and/or a certified public accountant or other financial professional approved by the Probation Unit, certifying that:
- a. respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
- b. respondent has kept and maintained the following:
- i. a written ledger for each client on whose behalf funds are held that sets forth:
1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
2. If respondent does not possess any client funds, property or securities during the entire period covered by a report, respondent must so state under penalty of perjury in the report filed with the Probation Unit for that reporting period. In this circumstance, respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.
- c.  Within one (1) year of the effective date of the discipline herein, respondent shall supply to the Probation Unit satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Financial Conditions form approved by SBC Executive Committee 10/16/00)

In the Matter of  
Ella S. Chatterjee  
A Member of the State Bar

Case Number(s):  
02-N-15505

Law Office Management Conditions

- a.  Within \_\_\_ days/ \_\_\_ months/ \_\_\_ years of the effective date of the discipline herein, Respondent shall develop a law office management/ organization plan, which must be approved by respondent's probation monitor, or, if no monitor is assigned, by the Probation Unit. This plan must include procedures to send periodic reports to clients; the documentation of telephone messages received and sent; file maintenance; the meeting of deadlines; the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located; and, for the training and supervision of support personnel.
- b.  Within \_\_\_ days/ 12 months \_\_\_ years of the effective date of the discipline herein, respondent shall submit to the Probation Unit satisfactory evidence of completion of no less than 10 hours of MCLE approved courses in law office management, attorney client relations and/ or general legal ethics. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent shall not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c.  Within 30 days of the effective date of the discipline, respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for \_\_\_ year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

12-9-03  
Date

  
Respondent's signature

Ella S. Chatterjee  
print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Counsel's signature

\_\_\_\_\_  
print name

12-9-03  
Date

  
Deputy Trial Counsel's signature

David T. Sauber  
print name

### 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.

See attached Modifications to Stipulation, Case No. 02-N-15505.

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.)

1/14/04  
Date

  
**RICHARD A. HONN**  
Judge of the State Bar Court

**Modifications to Stipulation, Case No. 02-N-15505:**

1. It is the Court's intent to have the actual suspension in this matter run concurrently with that in Case No. 03-PM-00468. As such, both matters shall be filed with the Supreme Court simultaneously.
2. No explanation is given as to why no MPRE is recommended. As such, the box requiring proof of passage of the MPRE shall be checked instead of the box indicating "No MPRE recommended."
3. At the bullet points on page 10, several items are listed representing prohibited acts. The list may be incomplete, some of the items may be over-inclusive, and some are inconsistent with the CTA restrictions set forth on page 11. While on actual suspension, the respondent simply may not practice law or otherwise act as an attorney at law. The entire category of "RESTRICTIONS WHILE ON ACTUAL SUSPENSION" is, therefore, deleted.
4. The CTA restrictions titled "REPORTING CONDITIONS" on page 9 and continuing to page 10 are redundant to those already contained in the stipulation form at page 11. Therefore, the entire category of "REPORTING CONDITIONS" commencing on page 9 and continuing onto page 10 is deleted.

-X-X-X-X-X-

**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 January 15, 2004, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING ACTUAL SUSPENSION, filed January 15, 2004**

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:

**ELLA S. CHATTERJEE  
7704 ELMDALE WAY  
STANTON CA 90680**

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

**DAVID T. SAUBER, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 15, 2004.**



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**Tammy R. Cleaver**  
Case Administrator  
State Bar Court