

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case Nos.: <b>02-O-11533; 04-O-10341 (Cons.)</b>
	)	
<b>RONALD DENNIS JAMAN,</b>	)	<b>DECISION AND ORDER SEALING</b>
	)	<b>CERTAIN DOCUMENTS</b>
<b>Member No. 48057,</b>	)	
	)	
<u>A Member of the State Bar.</u>	)	

On August 26, 2004, a Notice of Disciplinary Charges (NDC) was filed against respondent Ronald Dennis Jaman (respondent) in State Bar Court case no. 02-O-11533. A NDC was filed against respondent on October 1, 2004, in State Bar Court case no. 04-O-10341. Both matters were assigned to the Honorable Richard A. Honn. These matters were ultimately referred to the State Bar Court’s Alternative Discipline Program (ADP) and were assigned to the Honorable Robert M. Talcott.<sup>1</sup>

On October 13, 2004, respondent contacted the State Bar of California’s Lawyer Assistance Program (LAP) to assist him with his substance abuse issue, and on March 16, 2005, respondent executed a Participation Plan with the LAP. In May 2007, a request by respondent for modification of the Participation Plan was granted, and in March 2008, respondent executed a further amendment to his LAP Participation Plan.

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<sup>1</sup> These matters were consolidated pursuant to an order filed on May 2, 2005.

On April 13, 2005, respondent submitted a declaration establishing a nexus between his substance abuse issue and his misconduct.

In October 2005, the parties entered into a Stipulation Re Facts and Conclusions of Law which was received by the court on October 20, 2005.

On February 8, 2006, the court lodged its Confidential Statement of Alternative Dispositions and Orders, the Contract and Waiver for Participation in the State Bar Court's ADP (Contract),<sup>2</sup> and the parties' Stipulation Re Facts and Conclusions of Law, and the court filed an order respondent accepting respondent into the ADP.<sup>3</sup> The court also filed an order requiring the Office of Probation to monitor certain conditions of the Contract and to report all non-compliance with such conditions to the court.

Effective November 17, 2006, this consolidated matter was reassigned to the undersigned judge.

On July 2, 2009, the court issued an order finding that respondent has successfully completed the ADP. Thereafter, on that same date, the parties' Stipulation Re Facts and Conclusions of Law was filed, and this matter was submitted for decision.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In this consolidated matter, respondent stipulated that he violated: (1) rule 4-100(B)(1) of the Rules of Professional Conduct of the State Bar of California<sup>4</sup> by willfully failing to notify his client promptly of the receipt of client funds; (2) rule 3-110(A) by intentionally, recklessly, or repeatedly failing to perform competently by failing to supervise his employee; (3) rule 3-110(A) by failing to take all appropriate action to set aside a settlement or turn over settlement funds to

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<sup>2</sup> The Contract was executed by respondent on January 30, 2006.

<sup>3</sup> Although the order was not filed until February 8, 2006, the start date of respondent's participation in the ADP was January 30, 2006.

<sup>4</sup> Unless otherwise indicated, all further references to rule(s) refer to the Rules of Professional Conduct of the State Bar of California.

his client; (4) rule 4-100(A) by commingling personal funds in a client trust account; and (5) Business and Professions Code section 6068, subdivision (i), by failing to cooperate in a disciplinary investigation. In mitigation, respondent had no prior record of discipline in over 29 years of practice prior to any act of misconduct. In aggravation, respondent's misconduct significantly harmed a client, the public or the administration of justice and trust funds or property were involved, and respondent was unable or refused to account to the client or person who was the object of the misconduct for improper conduct toward the funds or property.

The parties' Stipulation Re Facts and Conclusions of Law, including the court's order approving the stipulation as modified by the court, is attached hereto and hereby incorporated by reference, as if fully set forth herein. The Stipulation Re Facts and Conclusions of Law set forth the factual findings, legal conclusions, and aggravating and mitigating circumstances in this consolidated matter.

Furthermore, at the time respondent engaged in his misconduct, he was suffering from a substance abuse issue, and respondent's substance abuse issue directly caused or contributed to the misconduct which forms the basis for this proceeding. Supreme Court case law establishes that an attorney's rehabilitation from alcoholism or other substance abuse problems can be accorded significant weight if it is established that (1) the abuse was addictive in nature; (2) the abuse causally contributed to the misconduct; and (3) the attorney has undergone a meaningful and sustained period of rehabilitation. (*Harford v. State Bar* (1990) 52 Cal.3d 93, 101; *In re Billings* (1990) 50 Cal.3d 358, 367.)

Respondent executed a Participation Plan with the LAP on March 16, 2005;<sup>5</sup> in May 2007, a request by respondent for modification of the Participation Plan was granted; and in March 2008, respondent executed a further amendment to his LAP Participation Plan. The LAP

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<sup>5</sup> Although respondent executed a LAP Participation Plan on this date, he initially contacted the LAP on October 13, 2004.

issued a Certificate of One Year Participation in the Lawyer Assistance Program dated May 7, 2009, which reflects that respondent has complied with requirements set forth in his LAP Participation Plan for at least one year prior to the date of the certificate, and that during this time period, the LAP is not aware of the use of any unauthorized substances.

Respondent also successfully completed the ADP. Respondent's successful completion of the ADP, which required his successful participation in the LAP, as well as the Certificate of One Year Participation in the Lawyer Assistance Program, qualify as clear and convincing evidence that respondent no longer suffers from the substance abuse issue which led to his misconduct. Accordingly, it is appropriate to consider respondent's successful completion of the ADP as a mitigating circumstance in this matter. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, standard 1.2(e)(iv).)

### **DISCUSSION**

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, to preserve public confidence in the legal profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

After reviewing the State Bar's brief on the issue of discipline,<sup>6</sup> which was received by the court on October 27, 2005,<sup>7</sup> and considering the Standards for Attorney Sanctions for Professional Misconduct (standard(s)) and case law cited therein, the parties' stipulation setting forth the facts, conclusions of law, and the aggravating and mitigating circumstances in this matter, and respondent's declaration regarding the nexus between his substance abuse issue and

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<sup>6</sup> Respondent did not submit a brief on the issue of discipline. However, at a conference on November 30, 2005, Deputy Trial Counsel David Sauber represented that respondent wanted to join in the State Bar's discipline brief.

<sup>7</sup> The brief was submitted before the Honorable Robert M. Talcott approved the parties' Stipulation Re Facts and Conclusions of Law with the modification that the facts did not support a violation of Business and Professions Code section 6106.

his misconduct, the court advised the parties of the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and the discipline which would be recommended if respondent was terminated from, or failed to successfully complete, the ADP.

In determining the appropriate discipline to recommend in this matter if respondent successfully completed the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. The parties recommended that respondent receive a 90-day stayed suspension and two years' probation with conditions. The court also considered standards 1.2, 1.3, 1.4, 1.5, 1.6, 2.2(b), 2.4(b), 2.6 and the case law cited in the parties' discipline brief, including *In the Matter of Doran* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 871, *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, and *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615.

After agreeing to the discipline which the court would recommend to the Supreme Court if respondent successfully completed or was terminated from, or failed to successfully complete, the ADP, respondent executed the Contract to participate in the ADP; respondent's period of participation in the ADP commenced; and the Contract was lodged with the court.

Thereafter, respondent successfully participated in the ADP and, as set forth in the court's July 2, 2009 order, the court found that respondent has successfully completed the ADP. Accordingly, the court will recommend to the Supreme Court the imposition of the discipline set forth in the court's Confidential Statement of Alternative Dispositions and Orders if respondent successfully completed the ADP.

#### **RECOMMENDED DISCIPLINE**

**IT IS HEREBY RECOMMENDED** that respondent **RONALD DENNIS JAMAN**, State Bar Number 48057, be suspended from the practice of law in California for sixty (60) days,

that execution of that period of suspension be stayed, and that he be placed on probation for two (2) years<sup>8</sup> subject to the following conditions:

1. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
2. 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;
3. Within thirty (30) days after 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;
4. 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 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 thirty (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 the probation period;

5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully, any inquiries of the Office of Probation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation conditions;

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<sup>8</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

6. 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 State Bar Ethics School, and passage of the test given at the end of that session. If respondent has already provided proof to the Office of Probation of attendance at and passage of the test given at the end of State Bar Ethics School during his period of participation in the Alternative Discipline Program, respondent need not again comply with this condition. Otherwise, respondent must comply with this condition as set forth above;
7. Respondent must comply with all provisions and conditions of his Participation Plan with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP;
8. Respondent must pay restitution to Adela Haro in the amount of \$5,400.00, plus ten percent (10%) interest per annum, accruing from October 5, 2000 (or to the Client Security Fund [CSF] to the extent of any payment from the fund to Adela Haro, plus interest and costs, in accordance with Business and Professions Code section 6140.5) and provide satisfactory proof thereof to the Office of Probation. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). To the extent the CSF has paid only the principal amount, respondent will still be liable for interest payments to Adela Haro, as set forth above.

With each written quarterly report required herein, respondent must provide to the Office of Probation satisfactory proof of all restitution payments made by him during that quarter or applicable reporting period.

To the extent that respondent has paid any restitution prior to the effective date of the Supreme Court's final disciplinary order in this proceeding, respondent will be given credit for such payment(s) provided satisfactory proof of such is or has been shown to the Office of Probation; and

9. If respondent has not already done so as part of his participation in the Alternative Discipline Program, within one year after the effective date of the Supreme Court's final disciplinary order in this matter, respondent must provide the Office

of Probation with satisfactory proof of his attendance at a session of State Bar Ethics School Client Trust Accounting School, given periodically by the State Bar at either 180 Howard Street, San Francisco, California, 94105-1639, or 1149 South Hill Street, Los Angeles, California, 90015, and passage of the test given at the conclusion of that session. Arrangements to attend Ethics School Client Trust Accounting School must be made in advance by calling (213) 765-1287, and paying the required fee. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Trust Accounting School. (Rules Proc. of State Bar, rule 3201).

At the expiration of the period of probation, if respondent Ronald Dennis Jaman has complied with all conditions of probation, the sixty (60) day period of stayed suspension will be satisfied and that suspension will be terminated.

It is not recommended that Ronald Dennis Jaman take and pass the Multistate Professional Responsibility Examination (MPRE) as he took and passed the MPRE during his period of participation in the State Bar Court's Alternative Discipline Program.

#### **COSTS**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

#### **DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS**

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized



individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

**IT IS SO ORDERED.**

Date: September 14, 2009.

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RICHARD A. PLATEL  
Judge of the State Bar Court