


Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT MICHAEL J. GLASS, No. 102700 1149 So. Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1000	Case number(s) 02-0-14975 kwiktag® 031 974 530 	(for Court's use) <p style="text-align: center;">PUBLIC MATTER</p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">AUG 13 2003</p> <p style="text-align: center;">STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
Counsel for Respondent DEBORAH G. LEVINSON C/O MICHAEL S. DUBERCIN 4768 Park Granada #212 Calabasas, CA 91302-3349 Telephone: (818) 585-5073 IN PRO PER	Submitted to <input checked="" type="checkbox"/> assigned judge <input 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 DEBORAH G. LEVINSON Bar # 123773 A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted July 8, 1986
(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) 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: Costs shall be added to and become a part of the membership fee for years 2005, (hardship, special circumstances or other good cause per rule 284, Rules of Procedure) 2006 and 2007.
 - 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 Sanctions for Professional Misconduct, standard 1.2(b).] Facts supporting aggravating circumstances are recited.

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case 91-0-06441, etc.

(b) date prior discipline effective October 27, 1996

(c) Rules of Professional Conduct/ State Bar Act violations: Four counts/RPC 3-110;

3 counts/RPC-700(D) (1); 3 counts/RPC 3-700(D) (1); 3 counts/RPC 3-700(A)

3 counts/B&P Code 6068(m); 1 count/B&P Code 6068(i); 1 count/B&P Code

6103.

(d) degree of prior discipline Five (5) year stayed + until; five (5) year prob. with 3 year actual + until.

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline". (i) SB Court Case No. 90-O-14557; (ii) effective 12/12/93; (iii) 2 counts B&P Code 6068(m); 1 count/B&P Code 6106; 1 count/RPC 4-100(B) (i); 1 count/RPC 4-100; 1 count/RPC 3-100(A); 1 count/RPC 3-110(A) (2); (iv) degree of prior discipline - 2 year susp. stayed; probation with 90 days actual.

(i) SB Court Case No. 97-PM-15229; (ii) effective 8/18/00; (iii) 1 count/B&P Code 6068(k), 6103; (iv) degree of prior discipline - 3 years stayed susp.; 3 year probation with 2 years actual with

(2) Dishonesty: Respondent's misconduct was surrounded by or followed by ^{restitution + until} 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 Two (2) 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: _____

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 during the preceding calendar quarter. If the first report would cover less than 30 days, that report shall be submitted on the next quarter, 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.

- (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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |
- (10) Other conditions negotiated by the parties:
- 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 DEBORAH G. LEVINSON

CASE NUMBER 02-O-14975

FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true and that she is culpable of violation of the Business and Professions Code.

Case Number 02-O-14975

Facts

1. On or about March 9, 2000, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("the Stipulation") with the State Bar in State Bar Court Case Number 97-PM-15229. On or about March 16, 2000, the State Bar Court approved the Stipulation, and on or about March 16, 2000, the State Bar Court's order, as well as the fully executed Stipulation, were served on Respondent.

2. On or about July 18, 2000, the California Supreme Court entered order number S088227 in case number 97-PM-15229 ("the Order") ordering that Respondent be suspended be suspended from the practice of law for a period of three (3) years, that execution of the suspension be stayed, and that Respondent be placed on probation for a period of three(3) years subject to conditions of probation, including actual suspension for two years, and until she makes restitution to Sandra Martinez in the amount of \$400 plus 10% interest per annum from August 1, 1995; and until she makes restitution to Sam Gonzales in the amount of \$1,042.75 plus 10% interest per annum from January 1, 1991; and until she makes restitution to Robert Fletcher in the amount of \$4,720 plus 10% interest per annum from January 1, 1991; and until she makes restitution to Michelle Mannering in the amount of \$1,500 plus 10% interest per annum from August 1, 1995, (or the Client Security Fund, if appropriate) and furnishes satisfactory proof thereof to the probation Unit, Office of the Chief Trial Counsel; and until she provides proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; and until she provides evidence to the Probation Unit, of satisfactory completion of State Bar Ethics School and the State Bar Client Trust Account Record-Keeping Course; and until she provides a written statement to the Probation Unit, of satisfactory completion of State Bar Ethics School and the State Bar Client Trust Account Record-Keeping Course; and until she provides a written statement to the Probation Unit from her treating mental

health care provider that she is either no longer in need of treatment or that she is able to practice law without being a threat of harm to her clients or to the public. The provisions in the stayed and actual suspensions regarding the submission of evidence of successful completion of the specified courses and of a written statement from her mental health care provider were in effect until October 27, 2001, and were to be complied with by that date as recommended by the State Bar Court in its Order Approving Stipulation filed on March 16, 2000, as modified by their order filed April 26, 2000, and as approved by the Supreme Court in their July 18, 2000, Order.

3. The Order required Respondent to comply with the following terms and conditions of probation, among others:

- a. to comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California.
- b. during the period of probation, to report on January 10, April 10, July 10, and October 10 of each year or part thereof during which the probation is in effect, in writing, to the State Bar Probation Unit, certifying by affidavit or under penalty of perjury that she has complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;
- c. to obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at her own expense a minimum of one

(1)

time per month and furnish evidence to the State Bar Probation Unit, that she is complying with each report she is required to render. Help/treatment was to commence immediately, and in any event, no later than 30 days after the effective date of the discipline stipulated to;

- d. to provide medical waivers and access to all medical records upon request of the State Bar Probation Unit.

4. The July 18, 2000, Order became effective August 17, 2000.

5. On September 26, 2000, Probation Deputy Yolanda Acosta ("Acosta") of the Probation Unit of the Office of Chief Trial Counsel of the State Bar of California ("Probation Unit") wrote a letter to Respondent in which Acosta reminded Respondent of certain terms and conditions of her suspension and probation imposed pursuant to the July 18, 2000, Order. Acosta also specifically advised Respondent of Respondent's obligation to file quarterly reports, with the first due on October 10, 2000, and that failure to timely comply with the terms and conditions of probation could lead to a new disciplinary proceeding. Enclosed with the September 26, 2000, letter to Respondent were, among other things, copies of the July 18, 2000, Order, along with the April 26, 2000 State Bar Modification Order, the relevant portion of the Stipulation setting forth the conditions of Respondent's probation, Rules 580 and 581 Rules of Procedure, notice of counsel representation, proof of payment sheet, an affidavit form, a Quarterly Report form and Instruction sheet, and a

Multi-State Responsibility Examination schedule. A telephone number was also included so that Respondent could obtain information regarding the State Bar Ethics School and the State Bar Client Trust Account Record-Keeping Course schedules.

6. On or about September 26, 2000, Acosta's letter was mailed to Respondent via the United States Postal Service, first class postage prepaid, in a sealed envelope addressed to Respondent at his official State Bar membership records address. The September 26, 2000, letter was not returned as undeliverable by the United States Postal Service.

7. Respondent did not complete the State Bar Ethics School by October 27, 2001, as specified in the Order. Respondent did complete the State Bar Ethics School on April 18, 2002.

8. Respondent did not complete the Client Trust Account Record-Keeping Course by October 27, 2001, as specified in the Order. Respondent did complete the Client Trust Account Record-Keeping Course on August 16, 2002.

9. Respondent did not furnish any evidence to the Probation Unit that she obtained psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker a minimum of one (1) time per month beginning September 17, 2000 and Respondent did not furnish the Probation Unit with a written statement from her mental health provider that she was no longer in need of treatment or able to practice law without being a threat of harm to her clients or to the public by October 27, 2001, as specified in the order. Respondent did submit the written statement to the Probation Department on December 10, 2001.

10. At all times herein, Respondent was under the mistaken belief that she had complied with all the terms and conditions that had deadlines with reporting requirements. When informed by Probation Deputy Shuntinee Brinson of the Probation Unit that Respondent had not complied, Respondent diligently worked with Ms. Brinson to come into compliance by providing statements from her mental health care provider and immediately registering for the State Bar Ethics School and Client Trust Account Record-Keeping Course.

Conclusions of Law

By not completing the State Bar Ethics School by October 27, 2001, as specified in the Supreme Court's July 18, 2000 Order, not completing the Client Trust Account Record-Keeping Course by October 27, 2001, as specified in the Supreme Court's July 18, 2000 Order, and not furnishing any evidence to the Probation Unit that she obtained psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker a minimum of one (1) time per month beginning September 17, 2000 and not

furnishing the Probation Unit with a written statement from her mental health provider that she was no longer in need of treatment or able to practice law without being a threat of harm to her clients or to the public by October 27, 2001, as specified in the Supreme Court's July 18, 2000 Order, Respondent failed to comply with the terms and conditions attached to her disciplinary probation and wilfully violated Business and Professions Code Section 6068(k).

PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(6) was August 12, 2003.

COST OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 11, 2003, the estimated prosecution costs in this matter are approximately \$3,398.00. Respondent acknowledges that this figure is an estimate only and it does not include State Bar 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.

The parties stipulate that the costs are to be paid in three equal amounts, one third being added to and becoming a part of the membership fees for each of the years 2005, 2006 and 2007.

AUTHORITIES SUPPORTING DISCIPLINE

Standard 2.6(a) provides that culpability of a member of a violation of Business and Professions Code section 6068(k) shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim with due regard to the purposes of imposing discipline set forth in standard 1.3.

In regard to case law, in In the Matter of Charles Hunter (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 63, the Respondent violated three of his probation conditions by failing to file a quarterly report, failing to make himself available to his probation monitor to review the terms and conditions of his probation, and failing to maintain his current address with State Bar Membership Records. The court ordered his probation revoked, set aside the previously ordered stay of his three year suspension, and imposed a three year actual suspension. The court did not find any mitigating circumstances. In regard to aggravating circumstances, Respondent had two prior impositions of discipline.

AGGRAVATING CIRCUMSTANCES

Under Standard 1.2(b)(i), Respondent has a prior record of discipline. In Case No. 91-O-06441, etc., on October 27, 1996, Respondent received 5 years stayed suspension and until, 5 years probation with conditions, and 3 years actual suspension.

In Case No. 90-O-14557, on December 12, 1993, Respondent received a 2 year stayed suspension and probation with 90 days actual suspension.

In Case No. 97-PM-15229, on August 18, 2000, Respondent received a 3 year stayed suspension, 3 years probation with 2 years actual with restitution.

Under Standard 1.2(b)(iii), Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct as Respondent has previously received discipline for violation of court orders in Case No. 97-PM-15229 and 94-N-10774 (consolidated with Case No. 91-O-06441).

MITIGATING CIRCUMSTANCES

Under Standard 1.2(e)(v), Respondent displayed spontaneous candor and cooperation to the victims of her misconduct and to the State Bar during disciplinary investigation and proceedings.

Under Standard 1.2(e)(vii), Respondent promptly took objective steps spontaneously demonstrating remorse by completing State Bar Ethics School, Client Trust Account School and providing the Probation Unit with evidence of completion of treatment by her mental health care provider to atone for the consequences of her misconduct.

8/12/03
Date


Respondent's signature

DEBORAH G. LEVINSON
print name

Date

Respondent's Counsel's signature

print name

8/12/03
Date


Deputy Trial Counsel's signature

MICHAEL J. GLASS
print name

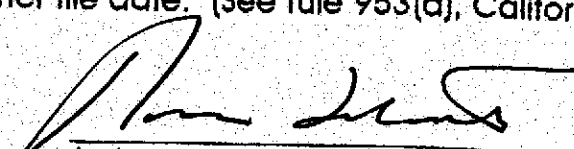
ORDER

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.

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.)

8/12/03
Date


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 August 13, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed August 13, 2003**

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

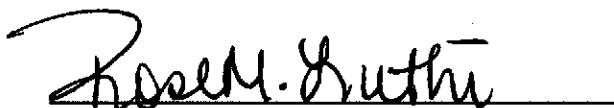
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DEBORAH G. LEVINSON, A/L
C/O MICHAEL S. DUBERCIN
4768 PARK GRANADA #212
CALABASAS CA 91302-3349**

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

MICHAEL GLASS, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 13, 2003.



Rose M. Luthi
Case Administrator
State Bar Court