

(Do not write above this line.)

**State Bar Court of California  
Hearing Department  
San Francisco**

<p>Counsel For The State Bar</p> <p><b>Sherrie B. McLetchie</b> Office of the Chief Trial Counsel 180 Howard Street San Francisco CA 94105 (415) 538-2297</p> <p>Bar # 85447</p>	<p>Case Number (s) 02-O-15594 [04-O-11385] - JMR Inv. 06-O-10706</p>	<p>(for Court's use)</p> <p style="text-align: center;"><b>PUBLIC MATTER</b> <b>FILED</b> <i>[Signature]</i></p> <p style="text-align: center;">JUN 22 2006</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p><b>Jonathan Arons, Esq.</b> 101 Howard Street, Suite 310 San Francisco CA 94105 (415) 957-1818</p> <p>Bar # 111257</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: <b>CHRISTINE LOUISE GARCIA</b></p> <p>Bar # 209701</p> <p>A Member of the State Bar of California (Respondent)</p>		

**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 **December 1, 2000**.
- (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 consists of **14** pages, not including the order.
- (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."

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Actual Suspension



*Handwritten initials:* CWS, SBW, JMA

(Do not write above this line.)

- (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.
- (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 & 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
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (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:**

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Actual Suspension

OS  
SBM  
DA

**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.
- (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**

*Medical Condition*

Respondent has been treated for depression in the past and will continue to obtain counseling. See "Medical Conditions," page 7.

Investigation Case Number 06-O-10706

After contact from the State Bar, respondent contacted Swords to Plowshares, an entity dedicated to helping veterans, seeking post-release treatment placement for Daves. Swords to Plowshares

*OK  
JBM  
MA*

has confirmed Daves' apparent eligibility for admission into a program, but cannot guarantee placement. Swords to Plowshares does state that it will refer Daves for screening and eventual placement upon his release.

**State Bar Trust Accounting School**

Respondent has already attended State Bar Trust Accounting School and passed the examination given at the end of the session. Respondent may receive Minimum Continuing Legal Education credit for voluntarily attending State Bar Trust Accounting School.

**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~~ as set forth on page 14.

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 **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, Calif. Rules of Ct.)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **120 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.

AS  
SB M  
JMA

(Do not write above this line.)

- (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.
- (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. Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, she may receive MCLE credit upon  
 No Ethics School recommended. Reason: satisfactory completion.
- (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 checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions - Set forth in Attachment, page 14. |

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Actual Suspension

CLM  
SBM  
DM

(Do not write above this line.)

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:** Respondent shall not serve any process either in person or by mail during the period of her probation.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Actual Suspension

In the Matter of  
CHRISTINE LOUISE GARCIA

Case number(s):  
02-O-15594  
[04-O-11385] - JMR  
Inv. 06-O-10706

### Medical Conditions

a.  Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and 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 respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.

b.  Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of four times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, ~~and must be continued for the duration of the probation period.~~ Treatment must continue for ~~XXXX days or~~ ~~XXXX months or XXXXX years~~ ~~or until a motion to modify this condition is granted and the ruling becomes final~~

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

c.  Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

Ans  
SPM  
JMA

**ATTACHMENT TO**

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

IN THE MATTER OF: Christine L. Garcia

CASE NUMBER(S): 02-O-15594 [04-O-11385] and Investigation 06-O-10706

**DISMISSALS**

- 1) That portion of 02-O-15594, Count One (B), paragraphs 6 through 8, alleging that respondent used her CTA for personal purposes by issuing checks 96, 97, 1002, 1003, 1011, and 1024.
- 2) Charge that respondent violated Business and Professions Code section 6068(a) as charged in 04-O-11385, Count Two (D).
- 3) Charge that respondent violated Business and Professions Code section 6068(g) as charged in 04-O-11385, Count Two (E).
- 4) Charge that respondent violated Business and Professions Code section 6106 as charged in 04-O-11385, Count Two (F).
- 5) Charge that respondent violated Business and Professions Code section 6068( b) as charged in 04-O-11385, Count Two (G).

**FACTS AND CONCLUSIONS OF LAW.**

**Count One (A) – 02-O-15594**

**Facts:**

At all times mentioned, respondent maintained an attorney-client trust account at Bay View Bank Account No. 60064289655 (“her CTA”).

Between October 18, 2001, and September 20, 2002, respondent issued five checks on her CTA when she knew or reasonably should have known that there were insufficient funds in her CTA to satisfy the charges against her CTA. As result, five checks were either returned by the bank or were paid against insufficient funds or were paid against uncollected deposits – three on October 18, 2001. Four of the five checks were payable to the clerk of a court for filing fees.

**Conclusion of Law:**

Respondent violated Business and Professions Code section 6106 by repeatedly issuing checks against insufficient funds.



Count One (B) – 02-O-15594

Facts:

Respondent deposited non-client funds into her CTA, thereby commingling these funds into her trust account, as follows:

<u>Date of Deposit</u>	<u>Amount</u>	<u>Payor</u>
02-06-02	\$100	Christine Garcia
04-02-02	\$ 75	Christine Garcia
04-10-02	\$700	Citibank MasterCard Cash Advance - C. Garcia
09-19-02	\$200	Christine Garcia

Conclusion of Law:

Respondent wilfully violated rule 4-100(A), Rules of Professional Conduct, by depositing funds belonging to her into her CTA.

04-O-11385

Facts:

On August 13, 2002, respondent filed a lawsuit, *Lissa Jacobson v. Robert Cram*, San Francisco Superior case number CGC 02-411443 ("*Jacobson v. Cram*") on behalf of her client, Lissa Jacobson ("*Jacobson*"), alleging that the defendant, Robert Cram ("*Cram*") "abducted at least two of Ms. Jacobson's cat companions by trapping, altering and permanently taking or destroying them." Respondent pursued *Jacobson v. Cram* through jury trial and until it was dismissed at the conclusion of the prosecution case. Thereafter, respondent filed and partially prosecuted an appeal of the dismissal.

Although respondent knew that Jacobson and Cram had engaged in a dispute prior to the disappearance of the cats, that the dispute concerned the cutting of some trees along the border of their respective properties, that Jacobson had obtained a settlement from Cram, and that Jacobson detested Cram, respondent undertook limited investigation, including not interviewing any witnesses other than her own client, before respondent personally verified the initial complaint in *Jacobson v. Cram*.

Because respondent personally verified the initial complaint opposing counsel had the right to depose respondent and opposing counsel did depose respondent.

Respondent continued to prosecute the matter through trial despite paucity of evidence that Cram engaged in wrongful conduct with respect to the cats in question. The evidence indicated that Cram had acted lawfully by trapping cats, having them spayed and tested for disease at the SPCA, and releasing them. Respondent was present at depositions and received discovery by

which she became aware of this evidence.

Respondent engaged in the following conduct:

(A) Respondent attempted to take the defendant's default in the amount of \$876,264.30 without prior notice to defense counsel and without properly serving Cram.

(B) On July 23, 2003, respondent mailed letters to Cram's former neighbors alleging that Cram "has trapped and abducted at least two (2) of my client's cats" and engaged in "malicious actions against my client's cats." The letters also invited Cram's former neighbors to supply respondent with information that had to do with animal disappearances, animal cruelty, or problems with Cram.

(C) On September 22, 2003, respondent signed a proof of service under penalty of perjury stating that she had personally served a deposition subpoena on a witness named Mary Ann Buxton ("Buxton"). Respondent then sent a copy of the subpoena and proof of service to defense counsel. In truth and in fact, respondent had not personally served the subpoena on Buxton on the date stated on the proof of service, but had served it on Buxton by facsimile, and, on the following day, by personal service. Respondent subsequently proceeded with Buxton's deposition despite (1) opposing counsel's known objection to the improper service; and (2) the fact that a court-mandated settlement conference had been scheduled for the same date.

(D) Respondent failed to participate in the court mandated early settlement program, resulting in respondent being sanctioned \$250.

On December 5, 2003, the superior court issued Findings of Fact and Conclusions of Law in *Jacobson v. Cram*. Also on December 5, 2003, based on the Findings of Fact, the superior court issued a judgment imposing sanctions jointly and severally against respondent and Jacobson in the amount of \$77,720 pursuant to Code of Civil Procedure 128.7. At all times thereafter, the Findings of Fact and the sanction judgment remained in full force and effect. On or shortly after December 5, 2003, respondent learned about the sanction judgment. After learning of the sanction judgment, respondent never reported the sanction order to the State Bar of California.

On December 23, 2003, respondent filed a Notice of Appeal on behalf of Jacobson. Specifically, respondent appealed various orders and judgments, including the sanction judgment imposed against Jacobson. Thereafter, respondent represented Jacobson in the appeal until it was dismissed in or about July 2004 by agreement of the parties. Respondent had a personal professional interest in the appeal (because she was potentially subject to discipline for the misconduct recited in the December 5, 2003 Findings of Fact). Respondent had a personal financial interest in the execution of judgment (because Cram would not need to execute upon respondent's assets if he obtained satisfaction of judgment from Jacobson's assets). However, in or about March 2004, without providing Jacobson with written disclosure of these financial and professional conflicts of interest, respondent represented Jacobson in connection with attempts (ultimately successful attempts) by Cram's counsel to execute upon Jacobson's assets to satisfy the sanction judgment. On March 26, 2004, respondent filed an amendment to the Notice of

an  
SBM  
JMA

Appeal, purporting to add herself as an additional appellant challenging the sanction judgment. Respondent had a personal financial interest in the subject matter of the appeal (since she was jointly and severally liable for payment of the sanction judgment being appealed).

After Cram executed upon Jacobson's assets and thereby satisfied the sanction order, Jacobson wished to withdraw the appeal, obtain a release from Cram and thereby end the litigation. Jacobson, who was now represented by independent counsel, feared that she could be required to pay additional costs and/or sanctions arising out of the appeal that respondent had filed and pursued. Cram, acting through counsel, declined to release Jacobson unless respondent also withdrew her personal appeal and released Cram. Respondent refused to do so unless Jacobson released respondent. Under this pressure, Jacobson signed a document releasing respondent. The end result of this transaction was that Jacobson was required to satisfy the entire judgment for sanctions and respondent has contributed nothing toward satisfying the judgment and, in fact, obtained a release from her joint and several obligation to pay the sanction judgment.

Both opposing counsel and Jacobson submitted complaints against respondent to the State Bar.

Conclusions of Law:

- 1) By filing *Jacobson v. Cram* with limited investigation or research to determine whether there was evidentiary or legal basis for the matter (although she personally verified the initial complaint), and continuing to prosecute the matter in the face of discovery which indicated the paucity of evidence and in the harassing manner described above (the letter to Cram's neighbors, and setting/taking Buxton's deposition over the objection of opposing counsel on the date of the previously scheduled settlement conference), respondent maintained an unjust action in violation of Business and Professions Code section 6068(c). (Count Two (A))
- 2) By never reporting the sanction judgment against her to the State Bar respondent violated Business and Professions Code section 6068(o)(3). (Count Two (B))
- 3) By filing a notice of appeal in *Jacobson v. Cram* despite her joint and several liability for the sanction judgment, and thereafter representing Jacobson against enforcement of the judgment without providing Jacobson with written disclosure of her financial and professional conflict of interests, respondent wilfully violated rule 3-310(B)(4), Rules of Professional Conduct. (Count Two (C))
- 4) By signing a proof of service under penalty of perjury stating that she had personally served a deposition subpoena on witness Buxton and sending a copy of the subpoena and proof of service to defense counsel when in fact respondent had not personally served the subpoena on Buxton on the date specified in the proof of service, respondent committed an act of dishonesty in violation of Business and Professions Code section 6106. (Count Two (F))

CA  
5/24  
MA

5) By filing *Jacobson v. Cram* with limited investigation or research to determine whether there was evidentiary or legal basis for the matter, continuing to prosecute the matter in the face of discovery which indicated the paucity of evidence, personally signing the verification of the original complaint thereby giving opposing counsel the opportunity to depose respondent, attempting to take Cram's default without properly serving him, and failing to participate in the court mandated early settlement program, respondent recklessly failed to perform legal services competently in wilful violation of rule 3-110(A), Rules of Professional Conduct. (Count Two (H))

Investigation Case Number 06-O-10706

Facts:

On or about August 17, 2005, respondent, who contracts with the California Parole Advocacy Program to provide legal representation to parolees, was assigned to represent Randall Daves ("Daves") in a parole revocation proceeding. Daves told respondent that he would accept twelve months incarceration <sup>with</sup> a special condition that he would thereafter be guaranteed placement in a drug treatment program. Thereafter, without permission from Daves, respondent purported to accept an 11-month incarceration on behalf of Daves, but without guaranteed program placement for Daves. Respondent signed a "Parolee - Attorney Decision Form" on behalf of Daves, which is a State of California Board of Prison Terms form, indicating "verbal consent" in the place on the form for his signature. The form includes a box for "Inmate/Parolee refused to sign/appear (circle one or both)" and a signature line for a witness, but respondent did not utilize that option.

On or about January 2006, the State Bar received a complaint from Daves regarding respondent.

Thereafter Daves filed a petition for writ of habeas corpus in propria persona in the Superior Court for the City and County of San Francisco, which was denied by order filed March 23, 2006, on the stated grounds that: 1) Daves failed to provide the correct case number; and 2) failed to submit to the court with his petition a copy of a letter he claimed respondent sent him.

Conclusions of Law:

1) By not reporting to Daves the rejection of his proposal of guaranteed treatment program placement, respondent failed to keep a client reasonably informed of a significant development in a matter in which respondent had agreed to provide legal services in violation of Business and Professions Code section 6068(m).

2) By entering into a settlement on behalf of Daves which resulted in less incarceration time than he initially accepted, but without the treatment program guarantee on which he had conditioned his acceptance, respondent recklessly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

CS  
SEM  
MA

**PENDING PROCEEDINGS**

The disclosure date referred to, on page one, paragraph A.(7), was May 18, 2006.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 18, 2006, the estimated prosecution costs in this matter are approximately \$4,993.08. Respondent acknowledges that this figure is an estimate only. 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.

**AUTHORITIES SUPPORTING DISCIPLINE.**

Standards 2.2(b) ["at least a three month actual suspension"]; 2.3 ["actual suspension or disbarment"]; 2.6 ["disbarment or suspension"]; and 2.10 ["reproval or suspension"] of the Standards for Attorney Sanctions for Professional Misconduct apply.

**FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES**

Multiple Acts of Wrongdoing

By issuing multiple checks against insufficient funds in her CTA, by on multiple occasions depositing her own funds into her CTA, and by virtue of the two client complaints based on the facts stated above, the current misconduct constitutes multiple acts of wrongdoing.

Harm

Jacobson was significantly harmed because she paid 100% of the sanction imposed jointly against she and respondent in *Jacobson v. Cram*.

///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///

as  
SBM  
JMA

**FINANCIAL CONDITIONS, RESTITUTION.**



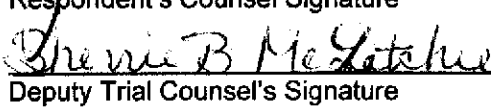
Within 30 days from the effective date of discipline in this matter, respondent must commence making restitution payments to Lissa Jacobson in the amount of \$100 per month during the first year of her probation unless respondent obtains bankruptcy relief from some or all of her current financial obligations in which case respondent's monthly restitution payments shall increase from \$100 to \$500. During the second year of her probation period, respondent shall pay Ms. Jacobson \$500 per month unless and until the State Bar Court grants a motion to modify this condition of probation by reducing or increasing respondent's monthly restitution payments to Ms. Jacobson based on evidence of change of circumstances regarding respondent's finances which could not be reasonably foreseen at the time this stipulation was entered into. For the purposes of any such future motion, the State Bar agrees that such a modification would be "minor" as that term is used in subdivision (c) of rule 951, California Rules of Court. Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by her during that reporting period.

(Do not write above this line.)

In the Matter of <b>CHRISTINE LOUISE GARCIA</b>	Case number(s): 02-O-15594 [04-O-11385] - JMR Inv. 06-O-10706
--	--

**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 Fact, Conclusions of Law and Disposition.

<u>5/26/06</u> Date	 Respondent's Signature	<u>Christine Lousie Garcia</u> Print Name
<u>May 26, 2006</u> Date	 Respondent's Counsel Signature	<u>Jonathan Arons</u> Print Name
<u>May 26, 2006</u> Date	 Deputy Trial Counsel's Signature	<u>Sherrie B. McLetchie</u> Print Name

(Do not write above this line.)

In the Matter of CHRISTINA LOUISE GARCIA	Case number(s): 02-O-15594 [04-O-11385]-JMR Inv. 06-O-10706
---	--

## 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.

1. On page 1, section A(3),--the stipulation consists of 15 pages instead of 14 pages.

2. On page 6, Section F--Other Conditions Negotiated by the parties must be inserted and included in section F under 1 is the following condition:

Multistate Professional Responsibility Examination: Respondent must provide proof of passage of the Multistate Professional Responsibility ("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.

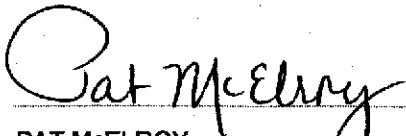
3. On page 5, section E(10)--an "x" must be inserted in front of the box financial conditions.

4. On page 14, Under Financial Conditions, Restitution--Respondent does not have to make any restitution after her probation of two years expires.

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.)**

Date

June 21

  
PAT McELROY  
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 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 San Francisco, on June 22, 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:

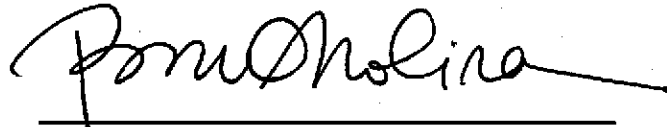
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JONATHAN IRWIN ARONS  
LAW OFC JONATHAN I ARONS  
101 HOWARD ST #310  
SAN FRANCISCO, CA 94105**

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

**SHERRIE MCLETCHIE, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **June 22, 2006**.



---

**Bernadette C. O. Molina**  
Case Administrator  
State Bar Court