



(Do not write above this line.)

State Bar Court of California Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES		
Counsel for the State Bar Cydney Batchelor Deputy Trial Counsel 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204 Bar # 114637	Case Number(s) <div style="text-align: center; font-size: 2em; font-weight: bold;"> CONFIDENTIAL PUBLIC MATTER </div> <div style="text-align: center;">04-C-15787- PEM</div>	(for Court use) <div style="text-align: center; font-size: 1.5em; font-weight: bold;"> LODGED MAY 22 2006 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;"> FILED <i>lee</i> JUL 01 2009 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per Colleen M. Quinn 5628 Comance Ct. San Jose, CA 95123 Tele: 408/891-9687 Bar # 87608	Submitted to Program Judge <u>ADDENDUM TO</u> <div style="text-align: center;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of COLLEEN M. QUINN Bar # 87608 A Member of the State Bar of California (Respondent)	Submitted to Program Judge <u>ADDENDUM TO</u> <div style="text-align: center;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 11/29/1979
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (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, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of 7 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." See attached
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law." See attached

(Do not write above this line.)

- (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 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required. See attached

- (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 Action violations _____
- (d) Degree of prior discipline _____
- (e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

None

(Do not write above this line.)

C. Mitigating Circumstances [standard 1.2(e)]. Facts supporting mitigating circumstances are required.

See attached

- (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) ~~xxx~~ **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.
See attached
- (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 of force of disciplinary, civil or criminal proceedings.
- (6) ~~xxx~~ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
See attached
- (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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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:

See attached

ATTACHMENT TO
ADDENDUM TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **COLLEEN M. QUINN**

CASE NUMBER(S): **04-C-15787**

FACTS AND CONCLUSIONS OF LAW.

Case No. 04-C-15787:

Procedural Background: This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 951 of the California Rules of Court. On December 14, 2004, Respondent was convicted of a felony violation of Health & Safety Code section 11173(a) [obtaining controlled substance by fraud, to-wit: Lomotil], for an offense that occurred on September 26, 2002. On February 6, 2006, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department found that the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

Facts: On September 26, 2002, Respondent was arrested by the San Jose Police Department. On December 23, 2003, Respondent was charged with a felony violation of Health & Safety Code section 11173(a) [obtaining controlled substance by fraud, to-wit: Lomotil]. On December 14, 2004, Respondent entered a plea of nolo contendere as charged. Respondent was placed on three years formal probation with standard conditions.

Conclusions of Law: The facts and circumstances surrounding Respondent's conviction of a felony violation of Health and Safety Code section 11173(a) do not involve moral turpitude, but do involve other conduct warranting discipline. The Respondent acknowledges that by the conduct described herein, she willfully violated Business and Professions Code section 6068(a).

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PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was April 9, 2006.

AGGRAVATING CIRCUMSTANCE.

See original stipulation lodged on January 31, 2005. There are no additional aggravating factors.

OTHER AGGRAVATING CIRCUMSTANCE.

See original stipulation lodged on January 31, 2005. There are no additional "other aggravating circumstances."

MITIGATING CIRCUMSTANCE.

See original stipulation lodged on January 31, 2005. There are two additional mitigating circumstances:

Candor/Cooperation: Respondent has been completely candid and cooperative with the undersigned deputy trial counsel in resolving this case.

Delay in Finalizing Stipulation: At the time that Respondent and the State Bar entered into the original ADP stipulation which was lodged with the Court on January 31, 2005, the parties and the Court knew about this case, and intended it to be included in the ADP as soon as the conviction could be transmitted to the Review Department for an order referring the matter for a hearing and decision recommending the discipline to be imposed. However, through an inadvertent administrative error by the State Bar, it did not refer this matter to the Review Department until February 1, 2006, and the Review Department did not issue a referral order until February 6, 2006. The 13 month delay is attributable entirely to the State Bar, and not to the Respondent, who has remained in compliance with ADP during the entire time.

OTHER MITIGATING CIRCUMSTANCES.

See original stipulation lodged on January 31, 2005. There are no additional "other mitigating circumstances."

(Do not write above this line.)

In the Matter of COLLEEN M. QUINN	Case number(s): 04-C-15787-PEM
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

4/10/06
Date

N/A


Respondent's signature

N/A

COLLEEN M. QUINN
Print name

N/A

Date

Respondent's Counsel's signature

Print name

4/11/04
Date


Deputy Trial Counsel's signature

CYDNEY BATCHELOR
Print name

(Do not write above this line.)

In the Matter of COLLEEN M. QUINN	Case number(s): 04-C-15787-PEM
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

May 17, 2006
Date

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 May 22, 2006, I deposited a true copy of the following document(s):

AMENDED STIPULATION RE FACTS AND CONCLUSIONS OF LAW

**AMENDED CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS
AND ORDERS (Rules o Proc., of State Bar, rule 809 (a))**

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:

**COLLEEN MARIE QUINN
5628 COMANCHE CT
SAN JOSE, CA 95123**

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

CYDNEY BATCHELOR , Enforcement, San Francisco

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



Laurretta Cramer
Case Administrator
State Bar Court

State Bar Court of the State Bar of California
Hearing Department: Los Angeles San Francisco
PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

FILED **PUBLIC MATTER**

<p>Counsel for the State Bar Cydney Batchelor, #114637 State Bar of California 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204</p>	<p>Case Number(s) JUL 01 2009 02-O-12884 [unfiled] 02-C-13218-PEM [unfiled] 03-O-1003 [unfiled] 03-O-2645 [unfiled] 03-C-3058 03-O-3494 [unfiled] 03-C-4659 04-C-10041 [unfiled]</p>	<p>(for Court Use) LODGED JAN 31 2005 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel for Respondent Jerome Fishkin, #47798 369 Pine St., #627 San Francisco, CA 94104 Tele: 415/403-1300</p>	<p>Submitted to Pilot Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p>	
<p>In the Matter of COLLEEN M. QUINN Bar # 87608 A Member of the State Bar of California (Respondent)</p>	<p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted 11/29/79
(Date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (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." This stipulation consists of 12 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts".
See attachment.
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."
See attachment.
- (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 and will pay timely any disciplinary costs imposed in this proceeding.

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

C. Mitigating Circumstances (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~~
~~State Bar during disciplinary investigation and~~
~~proceedings.~~
See attachment.
- (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 of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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:

See attached.

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

If the Respondent is not accepted into the Pilot Program or does not sign the Pilot Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Pilot Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

11-5-04
Date


Respondent's Signature

COLLEEN M. QUINN
Print Name

11/5/04
Date


Respondent's Counsel Signature

JEROME FISHKIN
Print Name

11/5/04
Date


Deputy Trial Counsel's Signature

CYDNEY BATCHELOR
Print Name

NOV 04 2004 11:24 STATE BAR OF CALIFORNIA P.02

ATTACHMENT TO

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: COLLEEN M. QUINN

CASE NUMBER(S): 02-O-12884, et al.

DISMISSALS.

Pursuant to the settlement memorialized herein, the parties respectfully request the Court to dismiss the following cases, without prejudice.

Case No. 03-C-4659: This case involves a misdemeanor conviction for a single violation of Vehicle Code section 14601 [driving on a suspended license] on March 25, 2002.

Case No. 02-O-12884 (The Kilians): In essence, this case is a fee dispute. It was the subject of a State Bar fee arbitration case, identified as case no. 03-AE-1616, which resulted in a decision that Respondent was to pay the Kilians \$7680.00 plus ten percent interest from August 6, 2002. The dismissal is expressly conditioned upon Respondent's agreement to pay restitution to the Kilians in that amount, as set forth herein.

FACTS AND CONCLUSIONS OF LAW.

Case No. 02-C-13218:

Procedural Background: This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 951 of the California Rules of Court. On July 1, 2003, Respondent was convicted of a misdemeanor violation of Vehicle Code section 23152(a), for an offense that occurred on February 12, 2001. On January 27, 2004, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department found that the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

Facts: On February 12, 2001, Respondent was arrested for violating sections 23152(a) of the Vehicle Code by the San Jose Police Department. On August 8, 2001, Respondent was charged with a misdemeanor violation of Vehicle Code section 23152(a) and 23152(b), with one prior conviction that occurred on March 5, 1999. On July 2, 2002, Respondent entered a plea of nolo contendere to a misdemeanor violation of section 23152(a). Respondent was placed on three years unsupervised probation with standard conditions.

Conclusions of Law: The facts and circumstances surrounding Respondent's conviction of a misdemeanor violation of California Vehicle Code section 23152 (a) does not involve moral turpitude, but does involve other conduct warranting discipline. The Respondent acknowledges that by the conduct described herein, she willfully violated Business and Professions Code section 6068(a).

Case No. 03-O-1003 (SBI):

Facts: By order of the California Supreme Court, Respondent has not been entitled to practice law for failure to comply with her MCLE requirements, from September 3, 2002 to the present time. By an additional order of the California Supreme Court, Respondent has not been entitled to practice law for failure to pay State Bar dues since September 4, 2002 to the present. Respondent received notice of both orders. However, on September 6, 22, 26 and 29, 2002, and on November 24 and 26, 2002, and on December 1 and 5, 2002, Respondent caused advertisements to be contained in the *San Jose Mercury News*, in which she identified herself as "attorney at law."

Conclusions of Law: By willfully causing advertisements to be contained in the *San Jose Mercury News* in which she identified herself as "attorney at law" when she was not entitled to practice law, Respondent held herself out as entitled to practice law when she was not entitled to do so, in violation of Business and Professions Code sections 6125 and 6126.

Case No. 03-O-1971 (SBI: Real Party in Interest: Mai Tran)

Facts: In May 2000, Phuc Van Tran filed in pro per for dissolution of marriage from his wife Mai Tran. Mr. and Mrs. Tran went to Respondent's office, and Respondent agreed to act as a mediator. Respondent did not obtain a written conflict of interest waiver from the Trans. The Trans ultimately settled their property dispute for \$90,000, and to pay Respondent \$15,000 for her mediation services. Mr. Tran provided a check to

Respondent for \$105,000, to represent the property settlement and the mediation fees, which Respondent deposited into her business account and not her trust account.

Conclusions of Law: By willfully failing to obtain an informed, written conflict of interest waiver from the Trans, Respondent failed to obtain the informed written consent of each client when their issues conflicted, in violation of Rule of Professional Conduct 3-310(C). By willfully failing to deposit the \$105,000 into her client trust account rather than her business account, Respondent failed to deposit funds received for the benefit of her clients into a client trust account, in violation of Rule of Professional Conduct 4-100(A).

Case No. 03-O-2645 (William Welding):

Facts: By order of the California Supreme Court, Respondent has not been entitled to practice law for failure to comply with her MCLE requirements, from September 3, 2002 to the present time. By an additional order of the California Supreme Court, Respondent has not been entitled to practice law for failure to pay State Bar dues since September 4, 2002 to the present. Respondent received notice of both orders. On December 3, 2002, Respondent met with William Welding about providing mediation services in his and his wife Linda Welding's dissolution, and gave him a business card on which she identified herself as "attorney at law." On that basis, Mr. Welding employed Respondent, and paid her \$3500.00 in mediation fees. Thereafter, Respondent failed to provide any substantive mediation services or to respond to Mr. Welding's requests for information. Thereafter, Respondent moved her office address without notifying Mr. Welding, or returning the unearned fees.

Conclusions of Law: By willfully holding herself out as entitled to practice law and by accepting employment and an advanced fee when she knew or should have known that she was suspended from practicing law, Respondent held herself out as entitled to practice law, in violation of Business and Professions Code sections 6125 and 6126.

Case No. 03-C-3058:

Procedural Background: This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 951 of the California Rules of Court. On October 23, 1997, Respondent was convicted of three felony counts of violating Health and Safety Code section 11173(a) [attempting to obtain controlled substances codeine and lorazepam by fraud] and one felony count of violating Bus. and Prof. Code section 4323(b) [forgery of prescription]. On January 27, 2004, the Review Department of the

State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department found that the facts and circumstances surrounding the convictions involved moral turpitude or other misconduct warranting discipline.

Facts: On June 12, 1997, Respondent was charged with four felony counts of violating Health and Safety Code section 11173(a) [attempting to obtain controlled substances codeine and lorazepam by fraud] and one felony count violating Bus. and Prof. Code section 4323(b) [forgery of a prescription]. The underlying facts were that Respondent presented forged prescriptions to Longs Drug Stores in an attempt to obtain codeine and lorazepam for her personal use, on March 12, March 13, and March 31, 1997. She was unable to obtain the drugs on any of those occasions. Respondent was addicted to depressants at the time these offenses occurred. On October 23, 1997, Respondent plead nolo contendere to three felony counts of violating Health and Safety Code section 11173(a) and one felony count of violating Bus. and Prof. Code section 4323(b). Respondent was placed on three years supervised, on the condition that she spend 12 months in the county jail.

Conclusions of Law: The facts and circumstances surrounding Respondent's convictions of felony violations of Health and Safety Code section 11173(a) and Bus. and Prof. Code section 4623(b) do not involve moral turpitude, but do involve other conduct warranting discipline. The Respondent acknowledges that by the conduct described herein, she willfully violated Business and Professions Code section 6068(a).

Case No. 03-O-3494 (Brian Connors)

Facts: On October 8, 1999, Brian Connors employed Respondent to provide legal services in a dissolution; on October 22, 1999, Mr. Connors paid Respondent \$5000.00 in advanced attorney fees. At Mr. Connor's request, the dissolution was delayed because of a stock market crisis, and Respondent filed the petition on August 6, 2002. By order of the California Supreme Court, Respondent has not been entitled to practice law for failure to comply with her MCLE requirements, from September 3, 2002 to the present time. By an additional order of the California Supreme Court, Respondent has not been entitled to practice law for failure to pay State Bar dues since September 4, 2002 to the present. Respondent received notice of both orders. However, on September 6, 2002, Respondent requested and received an additional \$5000.00 from Mr. Connors as advanced attorney fees. Thereafter, Respondent performed no further substantive work on the case, failed to respond to numerous requests for information, and failed to return unearned attorney fees.

Conclusions of Law: By willfully holding herself out as entitled to practice law and by accepting employment and an advanced fee when she knew or should have known that she was suspended from practicing law, Respondent held herself out as entitled to practice law, in violation of Business and Professions Code sections 6125 and 6126. By willfully charging and collecting an advanced attorney fee when she was suspended from practicing law, Respondent collected an illegal fee, in violation of Rule of Professional Conduct 4-200(A). By willfully failing to perform legal services competently, Respondent violated Rule of Professional Conduct 3-110(A). By willfully failing to respond to numerous requests for information, Respondent failed to respond to his client's requests for status reports, in violation of Business and Professions Code section 6068(m). By willfully failing to refund any unearned fees, Respondent failed to refund unearned fees promptly, in violation of Rule of Professional Conduct 3-700(D)(2).

Case No. 04-C-10041

Procedural Background: This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 951 of the California Rules of Court. On May 30, 1995, Respondent was convicted of a felony count of violating Health and Safety Code section 11173(a) [attempting to obtain controlled substance diazepam by fraud]. On January 27, 2004, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department found that the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

Facts: On June 6, 1995, Respondent was charged with a felony count of violating Health and Safety Code section 11173(a) [attempting to obtain controlled substance diazepam by fraud] and one misdemeanor count of violating Penal Code section 148.9 [giving false name to a peace officer], for an offense which occurred on September 19, 1994. The police report is unavailable, and the underlying facts are unknown. Respondent avers that she was attempting to obtain the drug for her own personal use, and that she was addicted to depressants at the time of the incident. On May 30, 1995, Respondent plead nolo contendere to one felony count of violating Health and Safety Code section 11173(a). Respondent was placed on years supervised probation.

Conclusions of Law: The facts and circumstances surrounding Respondent's convictions of felony violations of Health and Safety Code section 11173(a) does not involve moral turpitude, but does involve other conduct warranting discipline. The Respondent acknowledges that by the conduct described herein, she willfully violated Business and Professions Code section 6068(a).\

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was November 4, 2004.

AGGRAVATING CIRCUMSTANCE.

Multiple Acts of Misconduct: The stipulated misconduct involves six different matters.

OTHER AGGRAVATING CIRCUMSTANCE.

Failure to Report Felony Convictions to State Bar: Respondent failed to report the felony convictions memorialized in cases no. 03-C-3058 and 04-C-10041.

MITIGATING CIRCUMSTANCE.

Candor/Cooperation: Respondent has been completely candid and cooperative with the undersigned deputy trial counsel in resolving this case.

OTHER MITIGATING CIRCUMSTANCES:

No Prior Record of Misconduct: Although the stipulated misconduct is serious, it should nevertheless be noted that Respondent has no prior record of discipline since being admitted in 1979 (25 years ago). In addition, Respondent had been admitted to practice 16 years before the first criminal conviction noted herein (from 1979 to 1995).

Lawyer's Assistance Program Participation: Respondent signed an application agreement to be assessed by the Lawyer's Assistance Program, and has fully cooperated in that assessment process. Respondent cooperated in an evaluation by a LAP-selected physician, and then met with the LAP Evaluation Committee to discuss full participation in LAP recovery program. On April 3, 2004, Respondent signed the participation agreement with LAP that memorializes her five-year commitment to that recovery program. She has been in continuous compliance with since that date, and has entered into a long term residential treatment program upon LAP's recommendation.

RESTITUTION.

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below:

In accordance with the timetable set forth in the in the "Pilot Program Contract" to be executed between the State Bar Court and Respondent on the captioned cases, Respondent must make restitution as follows:

Roger and Colette Kilian, or the Client Security Fund if it has paid, in the principal amount of \$7,680.00, plus interest at the rate of 10% per annum from August 6, 2002, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

William Welding, or the Client Security Fund if it has paid, in the principal amount of \$3500.00, plus interest at the rate of 10% per annum from December 3, 2002, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Brian Connors, or the Client Security Fund if it has paid, in the principal amount of \$10,000.00, plus interest at the rate of 10% per annum from September 6, 2002, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

ORDER

Finding this stipulation to be fair to the parties, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

Jan 31, 2005
Date

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. 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 January 31, 2005, I deposited a true copy of the following document(s):

DECISION RE ALTERNATIVE RECOMMENDATIONS FOR DEGREE OF DISCIPLINE

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S PROGRAM FOR RESPONDENTS WITH SUBSTANCES ABUSE OR MENTAL HEALTH ISSUES

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

by personal delivery as follows:

CYDNEY BATCHELOR
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

JEROME FISHKIN
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **January 31, 2005**.


George Hue
Case Administrator
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 September 23, 2009, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING DOCUMENTS

ADDENDUM TO STIPULATION RE FACTS AND CONCLUSION OF LAW

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

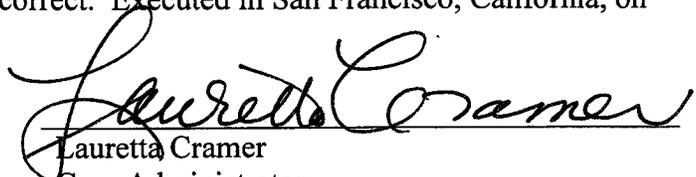
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**COLLEEN MARIE QUINN
22050 MCKEAN RD
SAN JOSE, CA 95120**

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

ERICA DENNINGS , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 23, 2009.


Laretta Cramer
Case Administrator
State Bar Court