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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 State Bar of California 180 Howard St., 7th Fl. San Francisco, CA 94105 Bar # 114637	Case Number(s) 04-0-11779-PEM 04-0-12481 <div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>	(for Court use) <div style="text-align: center; font-size: 2em; font-weight: bold;">LODGED</div> <div style="text-align: center;">JUL 11 2005</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div> <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center;">JUL 09 2007</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per Jonathan Arons, Esq. 101 Howard St., #310 San Francisco, CA 94105 Bar # 111257	Submitted to Program Judge <div style="text-align: center; font-weight: bold;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of MARTA KEMPTON Bar # 129035 A Member of the State Bar of California (Respondent)		

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 6/18/87
(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 8 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

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- (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.

- (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 a clear, continuing pattern of misconduct~~. See attachment
- (8) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

None

(Do not write above this line.)

In the Matter of MARTA KEMPTON	Case number(s): 04-0-11779; 04-0-12481
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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.

Date <u>May 17, 2005</u>	<u>Marta Kempton</u> Respondent's signature	<u>MARTA KEMPTON</u> Print name
Date <u>May 17, 2005</u>	<u>[Signature]</u> Respondent's Counsel's signature	<u>JONATHAN ARONS</u> Print name
Date <u>5/19/05</u>	<u>[Signature]</u> Deputy Trial Counsel's signature	<u>CYDNEY BATCHELOR</u> Print name

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MARTA KEMPTON

CASE NUMBER(S): 04-O-11779; 04-O-12481

FACTS AND CONCLUSIONS OF LAW.

Case 04-O-11779:

Facts: From June 7 through December 21, 2001, Respondent was employed with the law firm of McNamara, Dodge, Ney, Beatty, Slattery and Pfalzcr, LLP ("the MacNamara firm"). In January 2004, when she no longer worked there, Respondent applied for a mortgage loan with 123 Loan Company ("the loan company"). In support of her application for a loan, to verify her income, Respondent submitted provided false documents which she purported to be from the MacNamara firm (two false earnings statements for January 2004 and a Form W-2 wage and tax statement for 2003). At the time she submitted the documents, Respondent knew them to be false. The loan company funded the loan based on the false documents.

Conclusions of Law: By willfully submitting employment documents which she knew to be false to a loan company, Respondent committed acts of moral turpitude and dishonesty in violation of Business and Professions Code section 6106.

Case No. 04-O-12481:

Facts: From 1990 to 1993, Respondent was employed by an Alameda County Superior Court Judge. After that employment ended, Respondent submitted false documents about that position (letter of reference and employment evaluation) to California State University in support of a fellowship program. At the time she submitted the documents, Respondent knew them to be false.

Conclusions of Law: By willfully submitting employment documents which she knew to be false to California State University, Respondent committed acts of moral turpitude and dishonesty, in violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to on page one, paragraph A.(6), was May 11, 2005.

AGGRAVATING CIRCUMSTANCES.**Facts Supporting Aggravating Circumstances.**

Multiple Acts of Wrongdoing: Respondent has stipulated to misconduct in two separate matters.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent has no prior record of discipline since being admitted to practice in 1987, eighteen years ago.

Candor and cooperation: Despite the seriousness of the offenses, Respondent has been completely and extraordinarily candid and cooperation with the State Bar during its investigation and resolution of these cases. She promptly and fully admitted her fault in both cases, without reservation or excuse.

Objective Steps Promptly Taken: Before the intervention of the State Bar, Respondent has paid full restitution to the loan company.

Family and Financial Problems: During the period of time covered by this stipulation, Respondent's family and she were experiencing extreme turmoil and financial difficulties due to her parent's serious illnesses, the death by suicide of her nephew, and her brother's lay-off from employment.

ADDITIONAL MITIGATING CIRCUMSTANCES.

Participation in Lawyer's Assistance Program. In September 2004, Respondent contacted the State Bar Lawyer Assistance Program ("LAP") and completed the intake process. In October 2004, Respondent signed a pre-enrollment assessment agreement with LAP. Respondent was then assessed and monitored for a period for time by the LAP. At the

conclusion of the process, Respondent met with its Evaluation Committee, and was accepted into the LAP program. On February 14, 2005, Respondent signed a participation agreement which memorialized her long-term commitment to the program.

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In the Matter of MARTA KEMPTON	Case number(s): 04-0-11779; 04-0-12481
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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.)

July 11, 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 July 11, 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 ALTERNATIVE DISCIPLINE PROGRAM

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

- by personally delivering such documents to the following individuals at 180 Howard Street, 6th Floor, San Francisco, California 94105-1639:

CYDNEY BATCHELOR

JONATHAN ARONS

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **July 11, 2005**.


Laurretta Cramer
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 July 17, 2007, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING DOCUMENTS

STIPULATION RE FACTS AND CONCLUSIONS OF A 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:

**MARTA KEMPTON
657 FAIRMONT AVE
OAKLAND CA 94611**

- 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 **July 17, 2007**.



George Hue
Case Administrator
State Bar Court