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State Bar Court of California

Hearing Department ☒ Los Angeles ☐ San Francisco

Counsel for the State Bar	Case number(s)	(for Court's use)
KRISTIN L. RITSEMA SUPERVISING TRIAL COUNSEL 1149 S. HILL STREET LOS ANGELES, CA 90015 (213) 765-1235 Bar # 149966	04-O-14887	FILED MAY 31 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES PUBLIC MATTER
☒ Counsel for Respondent ☐ In Pro Per, Respondent ELLEN A. PANSKY, ESQ. 500 SOUTH GRAND AVE., 14th Fl. LOS ANGELES, CA 90071 (213) 626-7300 Bar # 77688		
In the Matter of ELLEN MAFRED ROLLINS Bar # 96626 A Member of the State Bar of California (Respondent)	Submitted to ☐ assigned judge ☒ settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION ☐ 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 December 16, 1980 (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 21 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) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

(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.

(Do not write above this line.)

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

(a) ☐ costs added to membership fee for calendar year following effective date of discipline

(b) ☒ costs to be paid in equal amounts prior to February 1 ~~for the following membership years~~ of the two membership years following the effective date of discipline. (hardship, special circumstances or other good cause per rule 282, Rules of Procedure)

(c) ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"

(d) ☐ 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 91-C-07303

(b) ☒ Date prior discipline effective October 20, 1992

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code Sections 6068(a) and 6103 - misdemeanor conviction of violating Vehicle Code Section 12500(a), driving without a license.

(d) ☒ Degree of prior discipline Private Reproval

(e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline".

See Attachment, page 15.

(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.

(Do not write above this line.)

(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 ~~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. Respondent has consistently expressed regret that she was unable to make restitution sooner.

(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) ☐ 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.

(Do not write above this line.)

(10) ☒ **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. See Attachment, page _____.

(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 Attachment, page 16.

D. Discipline

1. ☒ Stayed Suspension.

   (a) ☒ Respondent must be suspended from the practice of law 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 as set forth in the Financial Conditions form attached to this Stipulation.

   iii. ☐ and until Respondent does the following: _____

   The above-referenced suspension is stayed.

2. ☒ Probation.

   Respondent is placed on probation for a period of four (4) years, which will commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

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E. Additional Conditions of Probation:

(1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

(3) ☒ Within 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.

(4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent must state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state in each report 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.

(5) ☐ 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.

(6) ☒ 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.

(7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.

☐ No Ethics School recommended. Reason: _____

(8) ☐ 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.

(9) ☐ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions ☐ Law Office Management Conditions

☐ Medical Conditions ☐ Financial Conditions

F. Other Conditions Negotiated by the Parties:

(1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **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. Reason:** _____

(2) ☒ **Other Conditions:** See Attachment, page 17.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ELLEN MAFRED ROLLINS

CASE NUMBER: 04-O-14887

FACTS AND CONCLUSIONS OF LAW.

RELEVANT BACKGROUND FACTS

1. On March 4, 1994, Respondent entered into a Stipulation As To Facts and Disposition ("Stipulation 1") with the Office of the Chief Trial Counsel of the State Bar of California in case numbers 93-H-12755 and 93-O-12276. In Stipulation 1, Respondent agreed to make restitution within one year to her former client, Francisco F. Martinez ("Mr. Martinez"), or the Client Security Fund if appropriate, in the amount of $2,500.00 plus interest at the rate of ten percent (10%) per annum from July 29, 1992 until paid in full.

2. On March 24, 1994, the Hearing Department of the State Bar Court filed an order approving Stipulation 1 and recommending the disposition set forth in Stipulation 1 to the California Supreme Court. On March 24, 1994, the Hearing Department's order approving Stipulation 1 was properly served by mail upon Respondent.

3. On August 4, 1994, the California Supreme Court filed order number S040204 (State Bar Court case numbers 93-H-12755 and 93-O-12276) (the "1994 disciplinary order) that Respondent be suspended from the practice of law for one (1) year, that execution of suspension be stayed, and that Respondent be placed on probation for two (2) years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving Stipulation 1 filed on March 24, 1994.

4. On August 4, 1994, the Clerk of the California Supreme Court properly served upon Respondent a copy of the 1994 disciplinary order.

5. The 1994 disciplinary order became effective on September 3, 1994. Therefore, pursuant to the terms of the 1994 disciplinary order, Respondent was required to make restitution to Mr. Martinez and provide satisfactory proof of same to the Probation Unit on or before September 3, 1995. Respondent failed to do so. Respondent failed to make any restitution payments to Mr. Martinez.

6. The Office of the Chief Trial Counsel initiated probation violation case number 95-O-13578. On February 1, 1996, Respondent entered into a Stipulation as to Facts and Disposition ("Stipulation 2") with the Office of the Chief Trial Counsel in case number 95-O-13578. In Stipulation 2, Respondent again agreed to make restitution to Mr. Martinez, or the Client Security Fund if appropriate, in the amount of $2,500.00 plus interest at the rate of ten percent (10%) per annum from July 29, 1992 until paid in full. She agreed to pay the restitution within four years of the effective date of the disciplinary order and to make monthly payments of at least $50.00 until paid in full.

7. On February 9, 1996, the Hearing Department of the State Bar Court entered an order approving Stipulation 2 and recommending the disposition set forth in Stipulation 2 to the California Supreme Court. On February 9, 1996, the Hearing Department's order approving the Stipulation was properly served by mail upon Respondent through her counsel.

8. On June 20, 1996, the California Supreme Court filed order number S052789 (State Bar Court case number 95-O-13578) (the "1996 disciplinary order") that Respondent be suspended from the practice of law for a period of six (6) months, that execution of suspension be stayed and that Respondent be placed on probation for a period of four (4) years subject to the conditions of probation, including sixty (60) days actual suspension and restitution, recommended by the Hearing Department in its order approving Stipulation 2 filed on February 9, 1996.

9. On June 20, 1996, the Clerk of the California Supreme Court properly served upon Respondent a copy of the 1996 disciplinary order.

10. The 1996 disciplinary order became effective on July 20, 1996, thirty days after it was entered. Therefore, pursuant to the terms of the 1996 disciplinary order, Respondent was required to make monthly restitution payments of at least $50.00 to Mr. Martinez commencing August 1996 and provide satisfactory proof of same to the Probation Unit.

11. Respondent complied with all terms and conditions of her probation imposed pursuant to the 1996 disciplinary order except the condition that she make restitution to Mr. Martinez. She did not make the required monthly payments to Mr. Martinez.

12. On January 6, 1997, the State Bar's Client Security Fund paid Mr. Martinez' claim in the amount of $2,500.00.

13. On April 11, 1997, Respondent sent a restitution payment in the amount of $100.00 to Mr. Martinez, representing a portion of the interest owed to Mr. Martinez for the period prior to January 6, 1997 when the Client Security Fund paid Mr. Martinez.

14. On February 26, 1998, Respondent sent a restitution payment in the amount of $250.00 to Mr. Martinez, representing a portion of the interest owed to Mr. Martinez for the period prior to January 6, 1997 when the Client Security Fund paid Mr. Martinez.

15. Thereafter and until June 2000, Respondent made no further restitution payments to Mr. Martinez or to the Client Security Fund.

16. Accordingly, the Office of the Chief Trial Counsel initiated probation violation Case No. 00-O-10312.

COUNT ONE

Case No. 04-O-14887
Business and Professions Code section 6068(k)
[Failure to Comply With Conditions of Probation
Imposed Pursuant to Court Disciplinary Order]

17. The background facts set forth in paragraphs 1 though 16 are hereby incorporated by reference.

///

18. On February 16, 2000, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation 3") with the Office of the Chief Trial Counsel in case number 00-O-10312. In Stipulation 3, Respondent again agreed to make restitution to Mr. Martinez and the Client Security Fund.

19. On February 23, 2000, the Hearing Department of the State Bar Court entered an order approving Stipulation 3 and recommending the disposition set forth in Stipulation 3 to the California Supreme Court. On February 24, 2000, the Hearing Department's order approving Stipulation 3 was properly served by mail upon Respondent through her counsel.

20. On June 2, 2000, the California Supreme Court filed order number S087001 (State Bar Court case number 00-O-10312) (the "2000 disciplinary order") that Respondent be suspended from the practice of law for a period of two (2) years and until compliance with standard 1.4(c)(ii), that execution of suspension be stayed and that Respondent be placed on probation for a period of four (4) years subject to the conditions of probation, including ninety (90) days actual suspension and restitution, recommended by the Hearing Department in its order approving Stipulation 3 executed on February 23, 2000.

21. On June 2, 1996, the Clerk of the California Supreme Court properly served upon Respondent a copy of the 2000 disciplinary order.

22. The 2000 disciplinary order became effective on July 2, 2000, thirty days after it was entered.

23. Pursuant to the 2000 disciplinary order, Respondent was ordered to comply with the following restitution conditions of probation:

a. within four (4) years of the effective date of the disciplinary order, to make restitution to Mr. Martinez in the principal amount of $1,070.00 (representing the interest accrued at 10% per annum on the $2,500.00 owed to Mr. Martinez from July 29, 1992 until the Client Security Fund paid him $2,500.00 on January 6, 1997, minus the $250.00 payment Respondent sent to Mr. Martinez on February 26, 1998) plus interest at the rate

of ten percent (10%) per annum from January 6, 1997 until paid in full. No payments were required during the first year of Respondent's probation. However, minimum monthly payments of $50.00 were due to be paid to Mr. Martinez on the first day of each month during Respondent's second, third and fourth years of probation. All remaining sums were to be paid in full no later than thirty (30) days prior to the expiration of Respondent's probation. Respondent was to include in each required quarterly report satisfactory evidence of all restitution payments made to Mr. Martinez during that reporting period; and

b. within four (4) years of the effective date of the disciplinary order, to make restitution to the client Security Fund in the principal amount of $2,500.00 (representing the payment made by the Client Security Fund to Mr. Martinez on January 6, 1997) plus interest at the rate of ten percent (10%) per annum from January 6, 1997 until paid in full. No payments were required during the first year of Respondent's probation. However, minimum monthly payments of $50.00 were due to be paid to the Client Security Fund on the first day of each month during Respondent's second, third and fourth years of probation. All remaining sums were to be paid in full no later than thirty (30) days prior to the expiration of Respondent's probation. Respondent was to include in each required quarterly report satisfactory evidence of all restitution payments made to the Client Security Fund during that reporting period.

24. On July 6, 2000, Probation Deputy Yolanda Acosta ("Ms. Acosta") of the Probation Unit wrote a letter to Respondent in which she summarized the terms and conditions of Respondent's suspension and probation imposed pursuant to the 2000 disciplinary order. In the July 6, 2000 letter, Ms. Acosta reminded Respondent of her restitution obligation by noting that proof of "monthly payments of $50" would be due quarterly commencing July 10, 2001. Enclosed with the July 6, 2000 letter to Respondent were, among other things, copies of the 2000 disciplinary order, the relevant portion of Stipulation 3 setting forth the conditions of

Respondent's probation, a Quarterly Report Instructions sheet and a Quarterly Report form for Respondent to use in submitting her quarterly reports.

25. Ms. Acosta's July 6, 2000 letter to Respondent and the enclosures thereto were mailed the same day via the United States Postal Service, first class postage prepaid, in a sealed envelope addressed to Respondent at her official State Bar membership records address at the time. The July 6, 2000 letter was not returned as undeliverable or for any other reason by the United States Postal Service.

26. According to Respondent, when she received Ms. Acosta's July 6, 2000 letter, she read and relied upon the statement that proof of "monthly payments of $50" would be required commencing in July 2001. Although Respondent fully agrees that she had a duty to become aware of and comply with the actual terms of the Supreme Court order, as a result of her reliance upon the July 6, 2000 letter, Respondent formed the belief that she was required to make a restitution payment of at least (but not necessarily more than) $50 per month.

27. Although the 2000 disciplinary order did not become effective until July 2, 2000, and despite the fact that the order did not require restitution payments to commence until July 2001, Respondent commenced making payments to the Client Security Fund in June 2000. She made periodic restitution payments to the Client Security Fund as follows:

Date posted	Payment amount
06/21/00	$50.00
08/16/00	$50.00
09/09/00	$25.00
02/14/01	$25.00
03/23/01	$50.00
10/20/01	$20.00
11/13/01	$50.00
11/29/01	$50.00
02/06/02	$50.00
03/12/02	$50.00
04/30/02	$20.00
05/21/02	$25.00
07/12/02	$25.00
07/27/02	$50.00
08/17/02	$50.00

10/16/02	$50.00
01/14/03	$50.00
02/19/03	$50.00
04/04/03	$50.00
05/07/03	$50.00
06/17/05	$50.00
07/15/03	$50.00
10/24/03	$50.00
11/14/03	$50.00
01/01/04	$50.00
03/25/04	$150.00
06/02/04	$50.00
07/14/04	$50.00
07/28/04	$100.00
09/09/04	$50.00

28. Respondent did not make any restitution payments to Mr. Martinez as required by the conditions of probation imposed by the 2000 disciplinary order. According to Respondent, this was because of her erroneous interpretation of the restitution condition of the disciplinary order (based on the July 6, 2000 letter from Ms. Acosta) as well as her poor financial condition.

29. Subsequent to the State Bar's initiation of probation violation case number 04-O-14887, Respondent paid off her remaining restitution obligation to the Client Security Fund as follows:

Date posted	Payment amount
08/18/05	$250.00
09/14/05	$750.00
09/21/05	$1,199.68

30. Subsequent to the State Bar's initiation of probation violation case number 04-O-14887, Respondent paid off her restitution obligation to Mr. Martinez as follows:

Date	Payment amount
01/04/06	$300.00
02/09/06	$1,000.00
03/08/06	$500.00

31. Pursuant to the 2000 disciplinary order, in addition to minimum monthly payments of $50.00 to Mr. Martinez and the Client Security Fund commencing in July 2001 (the second year of Respondent's probation), all restitution remaining owing to Mr. Martinez and the

Client Security Fund was to be paid in full by no later than June 2, 2004, thirty days before Respondent's four-year probation period expired.

32. Respondent failed to make any monthly payments to Mr. Martinez and failed to pay him in full by June 2, 2004 as required by the 2000 disciplinary order.

33. Although Respondent made many of the required minimum monthly payments to the Client Security Fund as reflected in the list above, she failed to make all of them and failed to pay the Client Security Fund in full by June 2, 2004 as required by the 2000 disciplinary order.

34. Respondent timely complied with all other conditions of probation imposed by the 2000 disciplinary order.

Conclusions of Law

35. By failing to comply with the restitution conditions of the 2000 disciplinary order, Respondent willfully violated Business and Professions Code section 6068(k).

PENDING PROCEEDINGS.

The disclosure date referred to on page one, paragraph A.(6), was April 17, 2006.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct, Title IV of the Rules of Procedure of the State Bar of California (hereinafter "Standard"), provides that the primary purposes of disciplinary proceedings and imposing sanctions for professional misconduct are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession."

Standard 1.6(a) provides that the appropriate sanction for an act of professional misconduct shall be the sanction set forth in the standards for the particular misconduct found.

Standard 2.6 provides that culpability of a member of violation of Business and Professions Code section 6068 (including 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."

Standard 1.7(b) provides that if an attorney is found culpable of professional misconduct and the attorney has a record of two prior impositions of discipline, the attorney shall be disbarred unless the most compelling mitigating circumstances clearly predominate.

This is a case in which compelling mitigating circumstances do exist. For years, Respondent has experienced extreme financial hardship and has received mitigation credit in the discipline that has been imposed. Despite her continuing financial hardship, Respondent made periodic payments to the Client Security Fund after the imposition of her fourth prior.

Commencing in 2002, Respondent made significant, good faith efforts to acquire the ability to comply with the restitution requirement. Although her search for full time employment as an attorney took longer than she had hoped, she continued her search and was ultimately successful. On July 25, 2005, Respondent began a new full-time attorney job. Respondent used half of her first paycheck to make a significant payment on the restitution obligation to the Client Security Fund. Within the next month, she paid off the remaining restitution obligation to the Client Security Fund, both with wages from her new employment and with the help of a loan from her brother. Respondent also took steps to locate Mr. Martinez to pay her remaining restitution obligation to him.

Although Respondent has four prior impositions of discipline, the first prior is now remote in time as it relates to one incident of driving with a suspended license back in 1991. Further, only the second prior involved a client complaint, and that complaint dates back to the single underlying failure to complete services and refund unearned fees in the Martinez case back in 1992.

Although the stipulated discipline herein is a departure from the Standards, the public, the courts and the legal profession will be adequately protected by the imposition of the stipulated discipline herein. Respondent's misconduct poses little, if any, threat to the public in California. However, it is important for the maintenance of high professional standards and preservation of public confidence in the legal profession for Respondent to comply with her ethical obligation to comply with the terms and conditions of disciplinary orders imposed against her. Respondent understands her obligation to comply with the terms and conditions of probation to be imposed as a result of the disciplinary order that will result from this Stipulation.

AGGRAVATING CIRCUMSTANCES

PRIOR DISCIPLINE

Respondent has a prior record of four (4) impositions of discipline. Respondent's first prior record of discipline is discussed at page 2 of the Stipulation.

a. Respondent's Second Prior

On August 4, 1994 (effective September 3, 1994), the California Supreme Court filed disciplinary order number S040204 (State Bar Court case numbers 93-H-12755 and 93-O-12276) that Respondent be suspended from the practice of law for one (1) year, that execution of suspension be stayed, and that she be placed on probation for two (2) years with conditions.

The August 4, 1994 California Supreme Court order was based on a Stipulation as to Facts and Disposition in which Respondent stipulated to the following willful misconduct: (1) failing to comply with the terms and conditions of the private reproval imposed in State Bar Court case number 91-C-07303 (Respondent's first prior) in violation of rule 1-110 of the Rules of Professional Conduct; (2) failing to competently perform legal services for client Francisco Martinez in violation of rule 3-110(A) of the Rules of Professional Conduct; and (3) failing to

refund unearned fees to Mr. Martinez in violation of rule 3-700(D)(2) of the Rules of Professional Conduct. One of the conditions of probation was that Respondent was to make restitution to Mr. Martinez in the amount of $2,500.00 plus interest.

b. Respondent's Third Prior

On June 20, 1996 (effective July 20, 1996), the California Supreme Court filed disciplinary order number S052789 (State Bar Court case number 95-O-13578) that Respondent be suspended from the practice of law for six (6) months, that execution of suspension be stayed, and that she be placed on probation for four (4) years with conditions including sixty (60) days actual suspension and restitution to Mr. Martinez.

The June 20, 1996 California Supreme Court order was based upon a Stipulation as to Facts and Disposition in which Respondent stipulated to willful misconduct involving failing to comply with the terms and conditions of probation imposed pursuant to the August 4, 1994 California Supreme Court order (Respondent's second prior) in violation of Business and Professions Code section 6068(k).

c. Respondent's Fourth Prior

Respondent's fourth prior imposition of discipline consists of the underlying proceeding which resulted in the June 2, 2000 California Supreme Court disciplinary order (effective July 2, 2000), the violation of which gives rise to this proceeding.

The June 2, 2000 California Supreme Court order was based upon a Stipulation as to Facts, Conclusions of Law and Disposition in which Respondent stipulated to willful misconduct involving failure to comply with the restitution condition of probation imposed pursuant to the June 20, 1996 California Supreme Court order (Respondent's third prior) in violation of Business and Professions Code section 6068(k).

MITIGATING CIRCUMSTANCES

Respondent was unable to pay her restitution obligations to Mr. Martinez and the Client Security Fund because of continuing financial hardship. Respondent has submitted to the State Bar declarations regarding her financial circumstances as well as income tax returns for the years 2000, 2001, 2002 and 2004. According to Respondent, her income was insufficient to require her to file an income tax return for the year 2003.

Commencing in 2002, Respondent made significant, good faith efforts to acquire more steady, higher paying law jobs. Although the process took much longer than Respondent had hoped, she continued her search. Recently, for the first time in years, Respondent became fully and gainfully employed as an attorney as of July 25, 2005.

According to Respondent, she carefully read the July 6, 2000 letter she received from Ms. Acosta of the Probation Unit, in which the reference to the term of the California Supreme Court's disciplinary order regarding restitution payments specifically set forth the "Reporting Frequency or Compliance Due Date" for "restitution" as "Quarterly; Beginning July 10, 2001 (Monthly payments of $50)." While Respondent acknowledges that it was her responsibility to comply with the terms of the Supreme Court order, she neglected to double check the probation

deputy's advice regarding the restitution condition and relied on the representation in the July 6, 2000 letter that a $50 monthly restitution payment had been ordered.

During the succeeding two years after the probationary term commenced, Respondent submitted her quarterly reports in a timely fashion, including documents corroborating the restitution payments made (to the extent they were made) in the preceding quarterly period. Respondent commenced making payments before she was required to do so. Respondent's payment history and the information provided in the quarterly reports implicitly reflect her (incorrect) understanding that she was required to make monthly restitution payments in the amount of $50. In those quarters in which Respondent was financially incapable of making $50 restitution payments, she explained such in her quarterly report.

At no time between July 2000 and late Summer 2005 when the problem was brought to her attention, did any representative of the State Bar bring to Respondent's attention that she was required to make two separate $50 monthly restitution payments.

Respondent has been spontaneously and fully cooperative with the State Bar, and has expressed full awareness of her ethical duties and complete willingness to fulfill them.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

A. <u>Mental Health Conditions</u>

Respondent has participated in a clinical evaluation by an expert agreed upon by the parties in this matter. These mental health conditions are based upon the recommendations of that expert. The mental health conditions set forth below are conditions of Respondent's probation and are to be monitored by the Office of Probation.

1. Individual Psychotherapy Treatment:

a. Commencing within twenty (20) days of the effective date of the disciplinary order resulting from this stipulation, if she has not done so already, Respondent shall commence participating and shall continue to participate in individual psychotherapy treatment, a minimum of once per week, with a duly licensed psychiatrist or psychologist ("therapist").

b. No later than her first therapy session, Respondent shall provide this therapist with (1) a copy of this Stipulation; (2) a copy of the expert's report upon which these conditions are based; and, (3) a release waiving rights of privacy and privilege and authorizing the Office of Probation access to all of Respondent's medical and treatment records. Revocation of the medical release/waiver constitutes a violation of this condition.

c. Respondent shall comply with all treatment recommendations of her therapist, as may be made initially or as may be later recommended or modified, including without limitation, group therapy and/or medication regimen (prescribed by the therapist if qualified or by a psychiatrist working in conjunction with her therapist).

d. Respondent shall authorize and instruct her therapist to prepare and submit to the Office of Probation a written report each calendar quarter describing her condition, including a prognosis, and her compliance with therapy and treatment recommendations.

e. Respondent shall further authorize and instruct her therapist to advise the Office of Probation within five (5) days of any non-compliance by Respondent with the conditions of her treatment.

2. Reporting Compliance to the Office of Probation:

a. With each written quarterly report or final report required as a condition of probation by the disciplinary order resulting from this stipulation, Respondent shall report, in writing and under penalty of perjury, her compliance with her mental health conditions; and she shall provide to the Office of Probation satisfactory proof of her attendance at the above-described therapy sessions. Proof of compliance and attendance shall be as requested by the Office of Probation and may include submission of a writing which clearly sets forth for each therapy session she attends the date and time of the session and which bears the signature of the therapist verifying Respondent's attendance at that session.

b. Within thirty (30) days of the effective date of the disciplinary order resulting from this stipulation, Respondent shall provide the Office of Probation with:

(1) The name, address, and telephone number of her therapist; and,

(2) Proof satisfactory to the Office of Probation that she has provided her therapist with (a) a copy this stipulation; (b) the expert's report; and, (c) a written release and authorization for disclosure of medical/treatment records and information, including non-compliance with treatment recommendations, to the Office of Probation.

3. Responsibility for Costs:

All costs related to the above-described conditions shall be the responsibility of the Respondent.

4. Modification of Conditions:

Modification of these mental health condition shall be made pursuant to the Rules of Procedure of the State Bar of California, rules 550 et seq. If Respondent's treating therapist determines that there has been a substantial change in Respondent's condition, Respondent or the 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 therapist by affidavit or under penalty of perjury, in support of the proposed modification.

5. Termination of Conditions:

If Respondent's treating therapist determines that there has been a substantial change in Respondent's condition such that treatment is no longer required or recommended, Respondent shall authorize and instruct her treating therapist to prepare and submit to the Office of Probation a written report describing the substantial change in Respondent's condition, setting forth the therapist's opinion that treatment is no longer required or recommended, and setting forth the basis for the therapist's opinion. Respondent shall also authorize and instruct her therapist to

respond to any questions and/or requests for further explanation or clarification that the Office of Probation may have with respect to the therapist's report. Upon receipt by the Office of Probation of a satisfactory report from Respondent's therapist describing the substantial change in Respondent's condition, setting forth the therapist's opinion that treatment is no longer required or recommended for Respondent, and setting forth the basis for the therapist's opinion, Respondent shall be relieved of her obligation to comply with these mental health conditions.

(Do not write above this line.)

In the Matter of	Case number(s):
ELLEN MAFRED ROLLINS	04-O-14887

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, Conclusions of Law and Disposition.

Date	Signature	Print name
5/11/2006	Ellen M. Rollins	ELLEN M. ROLLINS
5/11/2006	Ellen Pansky	ELLEN A. PANSKY
05/12/06	Kristin L. Ritsema	KRISTIN L. RITSEMA

Respondent's signature / Respondent's Counsel's signature / Deputy Trial Counsel's signature

(Do not write above this line.)

In the Matter of	Case number(s):
ELLEN MAFRED ROLLINS	04-O-14887

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:

- [X] 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.

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.)

5/26/06
Date

RICHARD A. HONN
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 Los Angeles, on May 31, 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:

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

ELLEN ANNE PANSKY
PANSKY & MARKLE
500 S GRAND AVE 14FL
LOS ANGELES, CA 90071 - 2563

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

Kristin L. Ritsema, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 31, 2006**.

Milagro del R. Salmeron
Case Administrator
State Bar Court