



PUBLIC MATTER

FILED

JAN 05 2005

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

THE STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of

CASSANDRA D. JONES,

Member No. 170053,

A Member of the State Bar.

Case No. 04-PM-14982-RAH

ORDER GRANTING MOTION TO
REVOKE PROBATION AND ORDER OF
INVOLUNTARY INACTIVE
ENROLLMENTI. INTRODUCTION

In this disciplinary matter which proceeded by default, Jayne Kim appeared for the Office of Probation of the State Bar of California (Office of Probation). Respondent, Cassandra D. Jones, did not appear in person or by counsel.

Based upon alleged probation violations, the Office of Probation filed a motion to revoke the probation of Respondent imposed by the Supreme Court in its order filed on November 25, 2003, in case number S118768 (State Bar Court case number 01-O-01078 *et. al.*).

After considering the evidence and the law in this matter, the Court finds by a preponderance of the evidence that Respondent wilfully failed to comply with the terms of her probation. (Bus. & Prof. Code section 6093(c).)¹ The Court hereby grants the Office of Probation's motion to revoke Respondent's probation and its request to involuntarily enroll her as an inactive member of the State Bar pursuant to section 6007(d). The Court therefore recommends that Respondent's probation be revoked, that the previously ordered stay be lifted, and that Respondent be actually suspended from

¹Unless otherwise indicated, all further references to "section" refer to provisions of the Business and Professions Code.

1 the practice of law for one year. The Court also orders the involuntary inactive enrollment of
2 Respondent pursuant to section 6007(d).

3 **II. PERTINENT PROCEDURAL HISTORY**

4 On October 26, 2004, the Office of Probation filed a motion to revoke Respondent's
5 probation, accompanied by the declaration of Shuntinee Brinson, Exhibits 1-3 in support of motion,
6 and a Probation Revocation Response form. A copy of the motion, declaration of Shuntinee
7 Brinson, Exhibits 1-3 in support of motion, and the Probation Revocation Response form were
8 properly served on Respondent by certified mail, return receipt requested, at her latest address shown
9 on the official membership records of the State Bar pursuant to section 6002.1(c) and rules 60 and
10 563(a) of the Rules of Procedure of the State Bar of California (Rules of Procedure). The Office of
11 Probation requested a hearing in this matter if Respondent responded to the motion, unless the Court,
12 based upon the motion and response alone, determined that the Office of Probation's requested
13 discipline was warranted.

14 On October 29, 2004, Respondent was properly served at her official membership records
15 address with a notice advising her, among other things, that an initial status conference would be
16 held on December 9, 2004.

17 Respondent did not file a response to the Office of Probation's motion to revoke probation,
18 and the time for doing so expired. Respondent also did not appear at the December 9, 2004, status
19 conference and Office of Probation Supervisor, Jayne Kim, indicated that her attempts to contact
20 Respondent were unsuccessful. On December 14, 2004, the Court filed an order taking the matter
21 under submission as of December 9, 2004. On that same date Respondent was properly served with
22 a copy of the submission order at her official membership records address by first class mail, postage
23 fully paid. The copy of the submission order was not returned to the State Bar Court by the U.S.
24 Postal Service as undeliverable or for any other reason.

25 **III. FINDINGS OF FACT**

26 Failure to file a response to a motion to revoke probation shall constitute an admission of the
27 factual allegations contained in the motion and supporting documents. (Rules Proc. of State Bar,
28 rule 563(b)(3).) The declaration of Shuntinee Brinson and Exhibits 1-3 are admitted into evidence

1 in accordance with rule 563(e) of the Rules of Procedure.

2 The Court's factual findings are based on the allegations contained in the motion, the declaration of
3 Shuntinee Brinson, and Exhibits 1-3 in support of motion.

4 **A. Jurisdiction**

5 Respondent was admitted to the practice of law in the State of California on April 15, 1994.
6 Respondent has been a member of the California State Bar at all times since.²

7 **B. Facts**

8 On November 25, 2003, the Supreme Court filed an order in case number S118768 (State
9 Bar Court case number 01-O-01078 *et. al.*) suspending Respondent from the practice of law for two
10 years, staying execution of suspension, and placing Respondent on probation for two years subject
11 to probation conditions, including actual suspension for 60 days. The Supreme Court order became
12 effective December 25, 2003. (Cal. Rules of Court, rule 953(a).) In absence of evidence to the
13 contrary, the Court finds that the Supreme Court order was properly served on Respondent. (Cal.
14 Rules of Court, rule 24(a); Evid. Code section 664.)

15 Pursuant to the Supreme Court order, Respondent was ordered to comply with the following
16 terms and conditions of probation, among others, during the probation period:

17 1. Submit written quarterly reports to the Office of Probation on each January 10, April 10,
18 July 10, and October 10 of the period of probation, stating under penalty of perjury whether
19 Respondent has complied with the State Bar Act, the Rules of Professional Conduct and all
20 probation conditions during the preceding calendar quarter;

21 2. Answer fully, promptly and truthfully, subject to assertion of applicable privileges, any
22 inquiries of the Office of Probation and any probation monitor assigned under these conditions which
23 are directed to Respondent personally or in writing relating to whether Respondent is complying or
24 has complied with the probation conditions; and

25 3. Submit to the Office of Probation, within 180 days of the effective date of the discipline,
26 _____

27 ²The Court on its own motion takes judicial notice of State Bar membership records
28 which establish that Respondent has been a California bar member at all times since April 15,
1994.

1 satisfactory evidence of completion of no less than six hours of MCLE approved courses in law
2 office management, attorney client relations and/or general legal ethics.

3 On December 5, 2003, Probation Deputy Shuntinee Brinson sent a letter to Respondent's
4 official membership records address setting forth the terms and certain conditions of probation,
5 including that quarterly reports were due beginning April 10, 2004, and proof of completion of the
6 required 6 hours of MCLE courses was due by June 25, 2004. The letter set forth that Respondent's
7 failure to timely submit reports or any other proof of compliance would result in a non-compliance
8 referral. Enclosed with the letter were, inter alia, a copy of the Supreme Court order imposing
9 discipline, a copy of the disciplinary terms and conditions of probation, and a Quarterly Report
10 Instructions sheet setting forth the reporting period schedule, and a Quarterly Report form. Brinson's
11 letter was not returned to the Office of Probation as undeliverable or for any other reason.

12 On May 6, 2004, Brinson faxed Respondent another copy of the December 5, 2003, letter
13 with attachments pursuant to Respondent's request. Between June 2, 2004, and August 16, 2004,
14 Respondent and Brinson communicated regarding Respondent's compliance with her probation
15 conditions.

16 On September 1, 2004, Brinson sent a letter to Respondent at her official membership records
17 address reminding Respondent that she had not responded to Brinson's telephone message of August
18 24, 2004, requesting Respondent to call regarding her non-compliance with probation conditions,
19 specifically Respondent's 6 hours of MCLE and restitution. The letter requested Respondent to
20 provide the required documentation forthwith and that if the delinquent probation conditions were
21 not satisfied by September 10, 2004, the matter would be referred for further action. Brinson's letter
22 of September 1, 2004, was not returned to the Office of Probation as undeliverable or for any other
23 reason.

24 On September 23, 2004, Brinson received a courtesy copy of a letter sent to Respondent by
25 Office of Probation Supervisor, Jayne Kim, requesting Respondent to contact the Office of
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1 Probation.³

2 Respondent did not submit a written quarterly report due no later than October 10, 2004.
3 Respondent also did not submit evidence of her completion of no less than six hours of MCLE
4 approved courses in law office management, attorney client relations and/or general legal ethics
5 which was due no later than June 25, 2004. As of October 26, 2004, the date Brinson completed her
6 declaration in support of motion, Brinson had received no contact from Respondent since August
7 16, 2004.

8 **C. Legal Conclusions**

9 A general purpose or willingness to commit an act or permit an omission is the threshold
10 mental state necessary to justify discipline for violation of probation conditions, and bad faith is not
11 a requirement for a probation violation to be wilful. (*In the Matter of Potack* (Review Dept. 1991)
12 1 Cal. State Bar Ct. Rptr. 525, 536.) The Court finds by a preponderance of the evidence that
13 Respondent wilfully violated the conditions of probation ordered by the Supreme Court by failing
14 to submit a written quarterly report due no later than October 10, 2004, failing to promptly respond
15 to Brinson's telephone message of August 24, 2004, and correspondence dated September 1, 2004,⁴
16 and failing to submit evidence of no less than six hours of MCLE approved courses in law office
17 management, attorney client relations and/or general legal ethics by June 25, 2004. These violations
18 warrant revocation of Respondent's probation.

19 **IV. LEVEL OF DISCIPLINE**

20 **A. Aggravating Circumstances**

21 1. Respondent's prior record of discipline is an aggravating circumstance. (Standard
22 1.2(b)(i), Rules of Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct.)⁵

24 ³Although Brinson's declaration states that a copy of this letter is attached as part of
25 Exhibit 3, no such letter was included with the motion filed with the Court.

26 ⁴Based on the representations of Probation Supervisor, Jayne Kim, at the December 9,
27 2004, status conference, the Court concludes that Respondent made no attempt to answer
28 Brinson's inquiries by contacting Kim.

⁵All further references to standards are to this source.

1 In Supreme Court case number S1118768, the underlying matter, effective December 25,
2 2003, Respondent was suspended for two years, stayed. Respondent was placed on probation for
3 two years on condition that she be actually suspended for 60 days. Respondent stipulated to ethical
4 violations involving her representation of six clients. In several instances Respondent stipulated that
5 she improperly withdrew from employment, failed to adequately communicate with clients, failed
6 to return client files, and failed to cooperate with the State Bar's investigation of client complaints.

7 2. Respondent's violation of multiple probation conditions constitutes multiple acts of
8 misconduct and is an aggravating factor. (Standard 1.2(b)(ii); Cf. *In the Matter of Hunter* (Review
9 Dept. 1994) 3 Cal. State Bar Ct. Rptr. 63, 76 [Violating three separate conditions of probation
10 constituted misconduct involving multiple acts of wrongdoing].)

11 3. Since Respondent did not belatedly file her probation report or evidence of MCLE
12 completion, she made no attempt to rectify or atone for the consequences of her misconduct. (Std.
13 1.2(b)(v); *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 702 [Failure
14 to rectify misconduct by belatedly filing probation reports and proof of CLE completion in reproof
15 matter demonstrates indifference towards rectification].)

16 4. Respondent's lack of cooperation during a disciplinary proceeding, evidenced by her
17 failure to participate in this proceeding, is an aggravating circumstance. (Std. 1.2(b)(vi); *Conroy v.*
18 *State Bar* (1991) 53 Cal.3d 495, 507.) The court notes that the conduct relied on for this finding
19 closely equals the misconduct giving rise to the finding that Respondent violated probation
20 conditions and correspondingly assigns less weight to this factor in aggravation. (*In the Matter of*
21 *Bailey* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 220, 225 [Respondent's failure to participate
22 in disciplinary proceeding before entry of default found to be aggravating factor warranting little
23 weight since conduct relied upon for the finding in aggravation so closely resembled the conduct
24 relied upon for culpability finding under section 6068(i)].)

25 **B. Mitigating Circumstances**

26 Since Respondent did not appear in person or by counsel in this disciplinary proceeding, no
27 mitigating evidence was offered or received into evidence on her behalf and none can be gleaned
28 from the record.

1 **C. Discussion**

2 The purpose of disciplinary proceedings is not to punish the attorney, but to protect the
3 public, preserve public confidence in the profession, and maintain the highest possible professional
4 standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; Standard 1.3.)

5 Public protection and rehabilitation of the attorney are the primary goals of disciplinary
6 probation. (*In the Matter of Howard* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 445, 452.)
7 Violating probation conditions significantly related to the misconduct for which probation was given
8 warrants greater discipline than violating less significant conditions that do not call into question an
9 attorney's progress toward rehabilitation or raise concerns about the need for public protection.
10 (*In the Matter of Potack, supra*, 1 Cal. State Bar Ct. Rptr. 525, 540.) In determining the appropriate
11 level of discipline, the Court also considers the total length of stayed suspension which could be
12 imposed as actual suspension and the total amount of actual suspension imposed earlier as a
13 condition of the discipline when probation was granted. (*Ibid.*) Furthermore, according to rule 562
14 of the Rules of Procedure, any actual suspension recommended cannot exceed the entire period of
15 stayed suspension.

16 Respondent has been found culpable of failing to comply with the terms of her probation.
17 There is no mitigation. In aggravation, the Court has found a prior record of discipline, multiple acts
18 of misconduct, indifference toward rectification or atonement, and failure to participate in the
19 proceeding.

20 The Office of Probation recommends, among other things, actual suspension of the entire
21 period of stayed suspension.

22 In determining its disciplinary recommendation, the Court notes that the probation condition
23 requiring Respondent to provide evidence of completion of no less than six hours of MCLE
24 approved courses in law office management, attorney client relations and/or general legal ethics is
25 significantly related to Respondent's underlying misconduct involving her failure to properly
26 withdraw from representation and adequately communicate with clients. Respondent's violation of
27 this condition calls into question her progress toward rehabilitation.

28 After considering Respondent's misconduct and the law, and balancing the aggravating and

1 mitigating factors, the Court recommends that Respondent's probation be revoked and that
2 Respondent be actually suspended for one year.

3 **V. DISCIPLINE RECOMMENDATION**

4 The Court hereby recommends to the Supreme Court that Respondent's probation pursuant
5 to the Supreme Court order in case number S1118768 (State Bar case number 01-O-01078 *et. al.*)
6 be revoked, that the previous stay of execution of the suspension be lifted, and that Respondent,
7 CASSANDRA D. JONES, be suspended from the practice of law for two years, that said suspension
8 be stayed, and that Respondent be placed on probation for two years and that during said probation,
9 Respondent satisfy the following conditions:

10 1. Respondent must be actually suspended from the practice of law for the first year of
11 probation.

12 2. Comply with the State Bar Act and the Rules of Professional Conduct.

13 3. Within ten (10) days of any change, report to the Membership Records Department
14 of the State Bar, 180 Howard Street, San Francisco, California, 94105-1639 and to the Office of
15 Probation, all changes of information, including current office address and telephone number, or if
16 no office is maintained, the address to be used for State Bar purposes, as prescribed by section
17 6002.1 of the Business and Professions Code.

18 4. Respondent must submit written quarterly reports to the Office of Probation on each
19 January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury,
20 Respondent must state whether Respondent has complied with the State Bar Act, the Rules of
21 Professional Conduct, and all conditions of probation during the preceding calendar quarter. If the
22 first report will cover less than thirty (30) days, that report must be submitted on the next following
23 quarter date and cover the extended period.

24 In addition to all quarterly reports, a final report, containing the same information, is due no
25 earlier than twenty (20) days before the last day of the probation period and no later than the last day
26 of the probation period.

27 5. Subject to the assertion of applicable privileges, Respondent must answer fully,
28 promptly, and truthfully, any inquiries of the Office of Probation which are directed to Respondent

1 personally or in writing, relating to whether Respondent is complying or has complied with the
2 conditions contained herein.

3 6. Within one (1) year of the effective date of the discipline herein, Respondent must
4 provide to the Office of Probation satisfactory proof of attendance of the State Bar Ethics School and
5 passage of the test given at the end of that session.

6 7. Within one-hundred eighty (180) days of the effective date of the discipline herein,
7 Respondent must submit to the Office of Probation satisfactory evidence of completion of no less
8 than six hours of MCLE approved courses in law office management, attorney client relations and/or
9 general legal ethics.

10 8. The period of probation will commence on the effective date of the Supreme Court
11 order imposing discipline in this matter.

12 It is recommended that Respondent be ordered to comply with the requirements of rule 955
13 of the California Rules of Court within 30 calendar days of the effective date of the Supreme Court
14 order in this matter, and file the affidavit provided for in paragraph (c) within 40 days of the effective
15 date of the order showing Respondent's compliance with said order.

16 It is further recommended that Respondent take and pass the Multistate Professional
17 Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners,
18 and provide proof of passage to the Office of Probation within one year of the effective date of the
19 discipline herein or during the period of actual suspension, whichever is longer.

20 **VI. ORDER REGARDING INACTIVE ENROLLMENT**

21 The Office of Probation requests that Respondent be involuntarily enrolled inactive pursuant
22 to section 6007(d). Since Respondent is subject to a stayed suspension, she has been found to have
23 violated probation, and it has been recommended that she be actually suspended due to the probation
24 violation, the requirements of section 6007(d)(1) are satisfied.

25 IT IS THEREFORE ORDERED that Respondent, CASSANDRA D. JONES, be
26 involuntarily enrolled as an inactive member of the State Bar of California in accordance with
27 section 6007(d). This enrollment shall be effective three days after this order is filed.

28 IT IS ALSO ORDERED that his inactive enrollment be terminated as provided in section

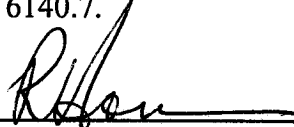
1 6007(d)(2).

2 IT IS FURTHER RECOMMENDED that Respondent's actual suspension in this matter
3 commence as of the date of her inactive enrollment pursuant to this order. (Bus. & Prof. Code
4 section 6007(d)(3).)

5 **VII. COSTS**

6 It is further recommended that costs be awarded to the State Bar pursuant to section 6086.10
7 and that those costs be payable in accordance with section 6140.7.

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9 Dated: January 4, 2005



10 RICHARD A. HONN
11 Judge of the State Bar Court
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CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 5, 2005, I deposited a true copy of the following document(s):

**ORDER GRANTING MOTION TO REVOKE PROBATION AND ORDER OF
INVOLUNTARY INACTIVE ENROLLMENT, filed January 5, 2005**

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

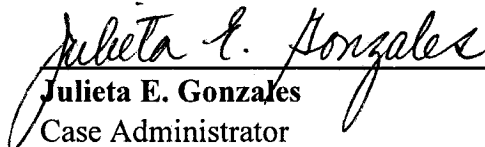
- [X]** by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**CASSANDRA D JONES ATTORNEY AT LAW
1202 N BROADWAY
SANTA ANA CA 92701**

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

Jayne Kim, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 5, 2005**.



Julieta E. Gonzales
Case Administrator
State Bar Court