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State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar Gordon L. Grenier Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1237 Bar # 225430	Case number(s) 05-H-00388	(for Court's use) <div style="font-size: 2em; font-weight: bold; text-align: center;">PUBLIC MATTER</div> <div style="font-size: 1.5em; font-weight: bold; text-align: center;">FILED</div> <div style="font-size: 1.2em; text-align: center;">SEP 15 2005 <i>FE</i></div> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent Patsy V. Moore 12811-1/2 Pacific Ave. Los Angeles, CA 90066 Bar # 193933	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of PATSY V. MOORE Bar # 193933 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 December 29, 1997
(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 13 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.

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- (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:
2007 and 2008
(hardship, special circumstances or other good cause per rule 284, 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 03-0-3262
 - (b) Date prior discipline effective April 14, 2004
 - (c) Rules of Professional Conduct/ State Bar Act violations: _____
Rules 3-110(A), 3-700(D)(1), 3-700(D)(2)
Business & Professions Code sections 6068(m) & 6068(j)
 - (d) Degree of prior discipline Public Reprimand
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline".
- (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.

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- (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.
- (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.

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- (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.
- (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:

D. Discipline

1. Stayed Suspension.

(a) Respondent must be suspended from the practice of law for a period of 1 year

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this Stipulation.
- iii. and until Respondent does the following: _____

(b) The above-referenced suspension is stayed.

2. Probation.

Respondent is placed on probation for a period of 2 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 the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: Respondent just attended Ethics School on August 18, 2005
- (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:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

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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: _____

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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF of the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
CSF (PURSUANT TO THE ORDER IN CASE NO. 03-0-3262)	\$2,973.03	September 7, 2005

- Respondent must pay the above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than _____.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
CSF	\$150.00	MONTHLY

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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b. Respondent has kept and maintained the following:

- i. a written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PATSY V. MOORE

CASE NUMBER(S): 05-H-00388

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and Rules of Professional conduct.

Statement of Facts:

On March 17, 2004, Patsy Moore ("Respondent") entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in case number 03-O-03262. On March 24, 2004, the Hearing Department of the State Bar Court filed an order approving the Stipulation and imposing the reproof with conditions set forth in the Stipulation (the "reproof order").

On or about March 24, 2004, the reproof order was properly served by mail upon Respondent. Pursuant to the March 24, 2004 reproof order, Respondent was ordered to comply with the following terms and conditions, among others:

- 1) To comply with the conditions attached to the reproof for a period of one year;
- 2) To comply with the State Bar Act and the Rules of Professional Conduct during the condition period attached to the reproof;
- 3) To submit to the Probation Unit written quarterly reports each January 10, April 10, July 10 and October 10 of the condition period attached to the reproof, certifying under penalty of perjury whether she has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter and to file a final report no earlier than twenty days prior to the last day of the condition period and no later than the last day of the condition period; and
- 4) To pay restitution to Lewis Adams in the amount of \$2,500.00, plus interest accruing at 10% per annum from March 29, 2002 until paid in full, by paying Mr. Adams at least \$250.00 per month during the condition period attached to the reproof until the principal plus interest is paid in full, and to provide proof of restitution payments with each quarterly report required as a condition of the reproof.

The March 24, 2004 reapproval order became effective thirty days later, on April 13, 2004. On or about May 19, 2004, Probation Deputy Eddie Esqueda ("Mr. Esqueda") of the Office of Probation of the State Bar of California wrote a letter to Respondent in which he reminded Respondent of the terms and conditions of her reapproval imposed pursuant to the March 24, 2004 reapproval order. In the May 19, 2004 letter, Mr. Esqueda specifically advised Respondent regarding her obligations to file quarterly reports, with the first due on July 10, 2004, make monthly restitution payments of \$250.00, and provide proof of restitution quarterly beginning July 10, 2004. Enclosed with the May 19, 2004 letter to Respondent were, among other things, copies of the relevant portion of the Stipulation setting forth the conditions of Respondent's reapproval; a Quarterly Report Instructions sheet; a Quarterly Report form specially tailored for Respondent to use in submitting her quarterly reports; and a Proof of Payment instructions sheet regarding providing proof of restitution payments.

Mr. Esqueda's May 19, 2004 letter to Respondent was mailed on or about May 19, 2004 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. The May 19, 2004 letter was not returned as undeliverable or for any other reason by the United States Postal Service. Respondent received the May 19, 2004 letter from Mr. Esqueda.

Respondent failed to timely file the first quarterly report that was due on July 10, 2004. In addition, Respondent failed to timely submit the proof of monthly restitution payments that was due on July 10, 2004. Therefore, on or about September 2, 2004, Mr. Esqueda wrote a letter to Respondent in which he advised Respondent that her first quarterly report and proof of monthly restitution payments required as conditions of her reapproval had been due on July 10, 2004 and that the Office of Probation had not received the quarterly report or proof of restitution. Mr. Esqueda requested Respondent to submit the overdue report and proof of restitution payments immediately. Enclosed with the September 2, 2004 letter was a copy of Mr. Esqueda's May 19, 2004 letter to Respondent.

Mr. Esqueda's September 2, 2004 letter to Respondent was mailed on or about September 2, 2004 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. The September 2, 2004 letter was not returned as undeliverable or for any other reason by the United States Postal Service.

Respondent received the September 2, 2004 letter from Mr. Esqueda. Respondent failed to timely file with the Office of Probation the quarterly reports that were due on July 10, 2004, October 10, 2004, and January 10, 2005. Respondent did not file the above-listed quarterly reports until on or about August 27, 2005.

To date, Respondent has failed to submit to the Office of Probation proof of having made monthly restitution payments to Mr. Adams (or the Client Security Fund) in the amount of \$250.00, which proof was due on July 10, 2004, October 10, 2004, and January 10, 2005.

On or about August 27, 2005, Respondent sent Probation proof of one payment of \$250.00 to Mr. Adams and a second payment of \$150.00 to CSF. Including interest and fees, Respondent currently owes CSF \$2,973.03.

Conclusion of Law:

By failing to comply with the terms and conditions of the reproof order, Respondent wilfully violated rule 1-110 of the Rules of Professional Conduct.

AUTHORITIES SUPPORTING DISCIPLINE.

In *Conroy v. State Bar* (1990) 51 Cal.3d 878, the respondent failed to take and pass the Professional Responsibility Examination within one year of his private reproof. In mitigation, the court noted that respondent did take and pass the PRE on the date next available after the expiration of the one year period. In aggravation, the court found that respondent had a prior record of discipline, had a contemptuous attitude toward the disciplinary proceedings, and failed to participate in the proceedings. The respondent received a one year suspension, stayed, with 60-days actual suspension.

The instant case also involves a single count of failing to comply with the terms of a reproof. While the facts surrounding the instant case are similar to *Conroy*, the instant case does not contain the same level of aggravation. For in the instant case, Respondent has demonstrated a good attitude and has actively participated in the disciplinary proceedings. Respondent has also effectuated efforts to belatedly comply with the conditions of her probation, including filing her quarterly reports and completing Ethics School.

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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, Conclusions of Law and Disposition.

9/7/05
Date


Respondent's signature

PATSY V. MOORE
Print name

Date

Respondent's Counsel's signature

Print name

9-7-05
Date


Deputy Trial Counsel's signature

GORDON L. GRENIER
Print name

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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 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.)

9/13/05
Date



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 September 15, 2005, 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:

**PATSY V. MOORE
12811 ½ PACIFIC AVE
LOS ANGELES CA 90066**

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

GORDON GRENIER, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 15, 2005**.



Rose M. Luthi
Case Administrator
State Bar Court