



ORIGINAL

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State Bar Court of California Hearing Department			PUBLIC MATTER
Counsel For The State Bar MELANIE J. LAWRENCE 1149 South Hill Street Los Angeles, California 80015 (213) 165-1066 Bar # 230102	Case Number (s) 05-O-02082	(for Court's use) <div style="font-size: 2em; font-weight: bold;">FILED</div> <div style="font-size: 1.5em; font-weight: bold;">FEB - 2 2007 <i>YJC</i></div> STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
ROBERT K. STEINBERG, ESQ. 12304 Santa Monica Blvd., 3rd Floor Los Angeles, California 90025-2558 (310) 447-1811 Bar # 34353	Submitted to: Settlement Judge		
In the Matter Of: WILMA ROUCHELLE SHANKS Bar # 144004 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 11, 1989.
- (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 consists of 15 pages, not including the order.
- (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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

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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):

- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- costs to be paid in equal amounts prior to February 1 for the following membership years: **
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

**Two (2) billing cycles following the effective date of the Supreme Court order.

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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to 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) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances are involved.**

Additional mitigating circumstances

D. Discipline:

- (1) **Stayed Suspension:**

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- (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:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of (1) yr., which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of 60 days.
- 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:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) 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.
- (4) Within thirty (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.
- (5) 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

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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 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.

- (6) 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.
- (7) 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.
- (8) 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. Respondent shall not count any Ethics School MCLE credit toward the MCLE requirements generally required of attorneys.
 No Ethics School recommended. Reason:
- (9) 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.
- (10) 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 |

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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
 No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

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(4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:

(5) **Other Conditions:**

Respondent must offer, in writing, to participate in fee arbitration with Max Ware, and to be bound by the decision of the arbitrator. Respondent's offer must be made within (60) days of the effective date of discipline. The fee arbitration itself must be completed within (1) year of the effective date of discipline. Respondent shall provide proof to the Office of Probation that she has extended the offer and if the offer is accepted, that the arbitration has been completed as required.

In the Matter of
WILMA ROUCHELLE SHANKS
Member #144004
A Member of the State Bar

Case number(s): 05-O-02082

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 in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay 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

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:
 - a. 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";

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: WILMA SHANKS

CASE NUMBER(S): 05-O-02082

A. FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY:

The parties waive any variance between the Notice of Disciplinary Charges filed on August 11, 2006, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

Facts:

1. In January 1999, Max H. Ware ("Ware") hired Respondent to represent him in a civil dispute with Automotive Finance Corporation ("AFC").
2. On January 28, 1999, Ware paid Respondent approximately \$1500 in advanced attorney's fees.
3. On or about May 5, 1999, AFC initiated an action against Ware in the Superior Court of Marion County, in the State of Indiana, for breach of contract, conversion, check deception and other allegations. The case was entitled, *Automotive Finance Corporation vs. Max H. Ware dba Imported Used Cars*, Marion County Superior Court Case No. 49D07-9605-CP-0704 ("Indiana case").
4. In June 1999, Ware signed a "provisional retainer agreement" which stated he was submitting a payment to Respondent in the amount of \$1,687.00 plus a \$28 Federal Express shipping charge, for the filing of a motion to dismiss/transfer only. The amount paid represented a partial payment.

5. Between approximately June 1999 and May 2000, inclusive, Ware paid Respondent several additional installments of attorney's fees and legal costs incurred in the Indiana case, including but not limited to the following:

<u>Date of Payment</u>	<u>Amount</u>
6/10/1999	\$ 400
7/13/1999	\$1750
7/23/1999	\$ 750
5/22/2000	\$950

6. On July 16, 1999, by and through Respondent, Ware initiated an action against AFC and Eric Pomeroy in the Los Angeles Superior Court in the State of California. The case was entitled, *Max H. Ware dba Max's Imported Used Cars vs. Automotive Finance Corporation, et al*, Los Angeles Superior Court Case no. VC029 727 ("California case").
7. On December 9, 1999, the Indiana case was dismissed for lack of jurisdiction.
8. On May 16, 2000, in the California case, AFC filed a cross-complaint against Ware for breach of contract, conversion, intentional misrepresentation and other claims ("Cross-complaint").
9. In May 2000, Respondent proposed a modified fee agreement to Ware pursuant to which Respondent would continue to represent Ware in the California case, Respondent would represent Ware in the related cross-action, and Respondent would be entitled to a 50% contingency fee. Ware rejected the proposal, and expressly refused to sign a new written fee agreement.
10. Between approximately May 2000 and October 2000, a fee dispute ("fee dispute") arose between Ware and Respondent.
11. On October 4, 2000, the California case was settled in favor of Ware. The terms of the settlement included a provision of payment to Ware in the amount of \$12,500 ("settlement").
12. On October 19, 2000, Respondent sent Ware a letter advising him to execute the agreement and releases relating to the settlement in the California case. In the letter, Respondent further advised Ware, "You cannot force me to settle our attorney's fee dispute in exchange for your signing the Release. Our attorney's fees dispute is a separate matter which will have to be resolved in arbitration." Respondent enclosed with the letter a "Statement of Services Provided," detailing services provided and that each service was billed at a rate of \$200 per hour. The statement showed the total due was \$21,306.00.

13. Prior to the issuance of the settlement check, on November 22, 2000, Ware, Ware's wife, and Max's Imported Used Cars jointly filed for bankruptcy in the Central District of California, Case no. SA 00-18833-JB ("bankruptcy proceedings"). All of the bankruptcy petitioners were represented by Michael N. Nicastro ("Ware's bankruptcy attorney").
14. Prior to the issuance of the settlement check, AFC, through its attorneys, learned about Ware's bankruptcy proceedings. Consequently, on December 11, 2000, AFC's attorneys sent a letter to Respondent taking the position that the bankruptcy proceedings affect how they proceed with the settlement of the California case, and further claiming that the bankruptcy trustee's concurrence with the settlement, as documented, was required.
15. On December 12, 2000, Respondent sent a letter ("December 12, 2000 letter") to AFC's attorneys:
 - (a) requesting that the settlement proceeds be forwarded to her to be placed in her attorney-client trust account;
 - (b) informing AFC that she is claiming "100% interest in the \$12,500 as consideration for my legal services rendered to Mr. Ware in this case"; and,
 - (c) stating that "[i]f Mr. Ware did not indicate the proceeds as an asset in his bankruptcy petition, it is because Mr. Ware has no valid claim of interest in any portion of the \$12,500."
16. Respondent sent a copy of the December 12, 2000 letter to Ware's bankruptcy attorney.
17. Respondent did not provide a copy of the December 12, 2000 letter to Ware.
18. On December 14, 2000, AFC, through its attorneys, filed a mandatory settlement conference statement which included the following, "The sole bankruptcy issues raised by the settlement of this matter is entitlement to the funds to be paid by AFC . . . , which is a matter between Ware, Shanks, and the bankruptcy trustee."
19. On December 18, 2000, a hearing was held in the California case during which the court confirmed the settlement.
20. At the conclusion of the December 18, 2000 court hearing, AFC's attorneys delivered to Respondent AFC's corporate check no. 1000002548 ("settlement check"), in the amount of \$12,500. The settlement check was payable to "Law Offices of Wilma R. Shank's Attorney-Client Trust Account (for Max H. Ware)", and dated December 15, 2000.
21. On December 18, 2000, Respondent deposited the settlement check into her client trust account, Account no. 078-2041487, at Wells Fargo Bank ("CTA").
22. On December 19, 2000, Respondent withdrew all of the settlement check proceeds, in the amount of \$12,500, from her CTA, and applied them as payment of attorney's fees.

23. At no pertinent time did Respondent inform Ware that she had received the settlement check.
24. Between approximately December 2000 and June 2003, when Ware's bankruptcy concluded, Ware was not aware that the settlement check had been delivered or entrusted to Respondent.
25. At no pertinent time did Respondent inform Ware that she had withdrawn all of the settlement check proceeds.
26. At no pertinent time did Ware know that Respondent had withdrawn all of the settlement check proceeds, and applied them as payment of her fees.

Legal Conclusion:

By not informing Ware, between approximately December 2000 and June 2003, or at any other pertinent time, that she had received the settlement check, Respondent failed to notify a client promptly of the receipt of the client's funds, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(1).

B. AUTHORITIES SUPPORTING DISCIPLINE

Standards:

Standard 2.2(b) provides that discipline for any violation of rule 4-100 of the Rules of Professional Conduct shall be at least a three month actual suspension, irrespective of mitigating circumstances.

Case Law:

The Standards are entitled to "great weight." (*In re Silverton* (2005) 36 Cal. 4th 81, 92.) But each case must be resolved on its own particular facts. (*Matter of Moriarty* (1990) 1 Cal. State Bar Ct. Rptr. 245, 250-251.) The court also looks to decisional law for guidance. (*Snyder v. State Bar* (1990) 49 Cal. 3d 1302, 1310-1311.)

In *Sternlieb v. State Bar* (1990) 52 Cal. 3d 317, *Sternlieb* unilaterally withdrew \$4,066 of her client's funds without her client's consent, failed to maintain proper records, and failed to account for the funds. The Court noted *Sternlieb's* lack of prior discipline in mitigation as well as her good reputation, efforts to correct office management procedures, and her expressions of remorse. The Court ordered *Sternlieb* placed on probation for one year with the condition of thirty days actual suspension.

In *Lazarus v. State Bar* (1991) 1 Cal. State Bar Ct. Rptr. 387, an attorney with no prior record of discipline was suspended for two months (stayed) and placed on probation for one year, for failing to notify his client he had received a partial settlement check and then unilaterally applying the funds to his attorney's fees and costs. *Lazarus* received the settlement check and placed it in a CTA. He did not notify his client of receipt of the funds. Then, over a year later, the client retained a new attorney. *Lazarus* notified the new attorney of the receipt of funds and his intention to apply them to his costs and fees. Thereafter, he did just that. The client was not made aware of the funds until three years after their receipt.

The court noted that because *Lazarus*' client had not directed him to render an account to the new counsel the obligation to notify ran directly to the client. (*Lazarus, supra*, 1 Cal. State Bar Ct. Rptr. 387, 395-396.) His indirect method of notification indicated he wished to avoid the client because the client might disagree about the appropriate disposition of funds. (*Id.*) The court did consider that *Lazarus* may have relied on the new attorney to notify the client. Nevertheless, he still failed to notify his client in a timely manner, preventing the client from raising any objection to the application of the funds prior to is withdrawal of them.

MITIGATING CIRCUMSTANCES

Respondent has practiced law for seventeen years with no prior record of discipline. (Standard 1.2(e)(i).)

C. DISMISSALS

The parties move to dismiss counts one and three in the interest of justice.

D. RESTRICTIONS WHILE ON ACTUAL SUSPENSION

During the period of actual suspension, respondent shall not:

- Render legal consultation or advice to a client;
- Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
- Appear as a representative of a client at a deposition or other discovery matter;
- Negotiate or transact any matter for or on behalf of a client with third parties;
- Receive, disburse, or otherwise handle a client's funds; or

- Engage in activities which constitute the practice of law.

Respondent shall declare under penalty of perjury that he or she has complied with this provision in any quarterly report required to be filed with the Probation Unit, pertaining to periods in which the respondent was actually suspended from the practice of law.

E. COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 16, 2007, the estimated prosecution costs in this matter are approximately \$3,654.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

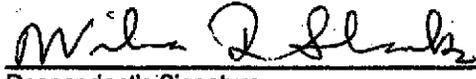
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In the Matter of WILMA ROUCHELLE SHANKS Member #144004	Case number(s): 05-O-02082
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SIGNATURE OF THE PARTIES

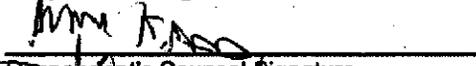
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

Jan 25, 2007
D:


Respondent's Signature

WILMA R. SHANKS
Print Name

1-22-07
D:


Respondent's Counsel Signature

ROBERT K. STEINBERG
Print Name

1/26/07
D:


Deputy Trial Counsel's Signature

MELANIE J. LAWRENCE
Print Name

(Do not write above this line.)

In the Matter Of WILMA ROUCHELLE SHANKS Member #144004	Case Number(s): 05-O-02082
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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 9.18(a), California Rules of Court.)

1/29/07
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 February 2, 2007, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING ACTUAL SUSPENSION**

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

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

**ROBERT K. STEINBERG
12304 SANTA MONICA BLVD 3FL
LOS ANGELES, CA 90025 - 2558**

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

MELANIE J. LAWRENCE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **February 2, 2007.**



Tammy R. Cleaver
Case Administrator
State Bar Court