

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Kimberly G. Anderson 1149 S. Hill Street Los Angeles, CA 90015 Bar # 150359	Case Number (s) 05-O-03562-RAH PUBLIC MATTER	(for Court's use) <div style="text-align: center; font-size: 1.2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-weight: bold;">FEB - 5 2009</div> <div style="text-align: center; font-size: 0.8em;"> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Arthur Margolis Margolis & Margolis 2000 Riverside Dr. Los Angeles, CA 90039 Bar # 57703	Submitted to: Assigned Judge	
In the Matter Of: Janet Clare Miller Bar # 106018 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO 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 3, 1982.
- (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.



(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):

- costs added to membership fee for calendar year following effective date of discipline.
- costs to be paid in equal amounts prior to February 1 for the following membership years: 2010, 2011 and 2012
(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

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 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.
- (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

Respondent has practiced law for over 26 years with no prior discipline. Respondent also had an honest, but mistaken belief that she was entitled to withhold the client's entrusted funds and to maintain those funds in trust until resolution of the fee dispute. Respondent also has an extensive history of pro bono community and bar service. (See also stipulation attachment.)

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one (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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

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 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.
- (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 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 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:
- | | |
|---|---|
| <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 within one year. **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) **Other Conditions:**

(Do not write above this line.)

Attachment language (if any):

In the Matter of Janet Clare Miller	Case number(s): 05-O-03562-RAH
A Member of the State Bar	

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 revocation), 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";

(Financial Conditions form approved by SBC Executive Committee 10/18/2000. Revised 12/18/2004; 12/13/2008.)

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: Janet Clare Miller

CASE NUMBER(S): ET AL. 05-O-03562-RAH

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 July 22, 2008 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 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.

1. On or about On or about December 17, 2003, Elena Gutierrez ("Gutierrez"), a.k.a. Elena Valdez, and Francisco Gutierrez ("Francisco") entered into a Stipulated Judgment ("Stipulated Judgment") in a marital dissolution matter entitled *Gutierrez v. Gutierrez*, San Diego Superior Court case no. D472554 ("the Gutierrez matter"). At the time Gutierrez and Francisco entered into the Stipulated Judgment, Gutierrez was represented by attorney Raymond Wood and Francisco was represented by Claudia Garcia.
2. As part of the Stipulated Judgment the parties agreed to contribute \$7,000 each from their share of the equity in the real property of the community to pay approximately \$14,000.00 in miscellaneous community credit card debts in full. The funds were to be generated from Francisco's buy-out of Gutierrez's interest in the community property residence by refinancing the mortgage. The proceeds from the new loan were placed in escrow pursuant to Francisco's refinancing agreement. Neither of the attorneys representing Ms. Gutierrez or her husband paid at least six of the debts contemplated, and Gutierrez was left to resolve the debts without counsel.

3. On or about March 29, 2004, Gutierrez employed Respondent to represent her to attempt to resolve the remaining unpaid balances owed to the creditors of the community, and paid Respondent advanced fees of \$1,500. No written employment agreement was signed by Gutierrez.
4. On or about October 29, 2004, Chateau Mortgage (the escrow company) issued a check in the amount of \$5,447.12, made payable to Respondent and Gutierrez. The check represented the undistributed community debt funds remaining in the Chateau escrow account.
5. On or about October 29, 2004, Respondent deposited the \$5,447.12 check into her client trust account no. 0937002590, at Wells Fargo Bank ("CTA"). It was understood that Respondent was to use the funds to attempt to negotiate and pay credit card debts owed by the Gutierrezes.
6. Among the services performed by Respondent, on or about April 20, 2005, Respondent settled one of Gutierrez's community debts to Jardines del Tiempo, Inc. in the negotiated sum of \$1,576.00 satisfying what had been a \$1,924.40 debt. Respondent then held a balance of \$3,871.12 in trust.
7. On or about August 16, 2005, Gutierrez sent a letter to Respondent requesting that Respondent refund the fees paid in advance for her services, as well as, the "monies of the escrow checks" turned over to Respondent by Garcia. Respondent did not return the \$3,871.12 to Gutierrez at that time.
8. On or about September 2, 2005, Respondent sent a letter to Gutierrez referring to Gutierrez's August 16, 2005 letter. Enclosed for Gutierrez's signature was a Substitution of Attorney form placing Gutierrez in pro per status. The letter stated:

"I have received your letter dated August 16, 2005. While I would be happy to refund the monies held in trust, which have not already been paid out to creditors, I would like to finish the job I started for you, as we have made substantial progress.

"When I received the first letter from the State Bar Association I was uncertain as to how you wished for me to proceed with your case. I have answered your inquiry as requested.

"If you would like me to settle the remaining accounts, I would be happy to do so, at no further charge to you for work done from this date on. You do have an outstanding balance due at this time, however. It will be more costly for you in the long run if you start up with another lawyer, and I don't want you to incur any more fees or costs. The outcome of your dissolution of marriage case, before you retained my services, was not very satisfactory. It is not too late to resolve your consumer credit accounts. In order to do so, I still need a list of the payments you have made to each creditor this year. I do not need copies of the payment coupons, just copies of the statements and of your payments.

"In the event you wish to terminate my representation, I have enclosed an original Substitution of Attorney form for your consideration and signature. If you sign and date this document where indicated and return it to me, I will arrange for filing with the Court. Of course, I will provide you with a conformed copy, once available. You would then be your own representative in the matters remaining in your dissolution action.

"If you have any questions regarding the Substitution of Attorney form, or any other matter, please call me immediately."

9. On or about December 22, 2005, Gutierrez filed a Substitution of Attorney substituting Respondent out of the case and proceeding in pro per. At that time, Respondent still had not returned the \$3,871.12 to Gutierrez or Francisco. Gutierrez, after terminating Respondent's service, continued to ask Respondent to perform more work on her case.
10. On or about January 24 and 30, 2006, Respondent proposed in letters sent to Gutierrez that she retain \$1,660.50 of the \$3,871.12 for her services and forward Gutierrez the balance of \$2,210.62 from her CTA. Gutierrez did not respond to Respondent's offers.
11. On or about April 11, 2006, at a meeting at Respondent's office, Respondent's assistant attempted to get Gutierrez to authorize Respondent to retain \$1,660.50 in her client trust account for payment for Respondent's past services. The assistant presented a receipt that stated the

amount Respondent claimed she was owed for her services, and showing she would maintain the disputed \$1,660.50 billed to Gutierrez, in her CTA. Gutierrez refused to sign the receipt and refused to pay Respondent the \$1,660.50. Respondent did not return any portion of the \$3,871.12, but her assistant did offer to provide Gutierrez with \$2,210.62. Gutierrez requested of Respondent's assistant that Respondent return all of the entrusted funds. Gutierrez refused to take any portion of the funds less the entire amount (\$3,871.12) Gutierrez was demanding.

12. On or about April 11, 2006, Gutierrez sent a letter to Respondent requesting that Respondent return all of the funds to her being held in trust. By letter on April 12, 2006, Respondent again offered to hold \$1,795.50 in her client trust account as disputed funds and offered to return \$2075.62 to Gutierrez. Respondent did not offer to return the \$1,795.50 to Gutierrez at that time, and Respondent stated to Gutierrez that, "I am not withholding funds to which you are entitled." Respondent now understands that her statement was legally incorrect.
13. Respondent did not have a lien on the funds; however, she honestly but mistakenly believed that the law permitted her to withhold the disputed funds in trust. Respondent did in fact maintain the funds in trust until a fee arbitration was held.
14. Pursuant to a fee arbitration award filed on December 18, 2006, Respondent sent Gutierrez her CTA check in the amount of \$3,402.87 -- funds that the arbitrator found were payable to Gutierrez. The check was sent to Gutierrez after the arbitration award became final. In the findings, the arbitrator said, in part, that, "... attorney Miller earned fees in the sum of \$2,058, of which \$1,500.00 has been paid. Attorney Miller is therefore due \$558.00. The arbitration filing fee in the amount of \$89.75 is charged to the attorney resulting in a final award to the attorney of \$468.25."
15. Respondent violated rule 4-100(B)(4) of the Rules of Professional Conduct by withholding the aforementioned funds from the entrusted funds she received from Chateau to hold and use for paying Gutierrez's community debts.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was January 15, 2009.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
05-O-03562	One	3-110(A)
05-O-03562	Four	4-200(A)
05-O-03562	Five	6106
05-O-03562	Three	No violation alleged. ¹

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 13, 2009, the prosecution costs in this matter are \$5,056.90. 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.

Respondent reserves the right to file a motion to reduce costs and the State Bar reserves the right to oppose a motion to reduce costs.

MITIGATING CIRCUMSTANCES.

Although the misconduct is serious, Respondent has no prior discipline since her admission to the California bar on December 3, 1982.

Respondent had an honest but mistaken belief that she was entitled to withhold the client's entrusted funds and to maintain those funds in trust until resolution of the fee dispute.

Respondent also has an extensive history of pro bono community and bar service.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.2(b) would appear to be applicable. Standard 2.2(b) provides for a three month actual suspension, irrespective of mitigating circumstances.

However, the Standards are not necessarily applied in a talismanic form, there is mitigation and we should look to case law as well. The case of *Dudugjian v. State Bar* (1991) 52 Cal.3d 1092 is instructive. In *Dudugjian*, the attorneys (Dudugjian and his partner) retained client settlement funds in their own account and refused to pay them out to the clients in the honest, but mistaken belief that the clients had authorized the application of these funds to the payment of attorneys' fees. The attorneys were found culpable of violating rules 4-100(A) and 4-100(B)(4) of the Rules of Professional Conduct. There was substantial mitigation. The attorneys received a public reproof.

¹ The Notice of Disciplinary Charges was incorrectly numbered.

The instant case is close to *Dudujian*, but more egregious in that the client did not authorize Respondent to keep the settlement funds. However, the client did terminate Respondent's services August 16, 2005 after filing a State Bar complaint and then did subsequently ask the Respondent to do more work on the case, which could lead to the conclusion that her instructions were confusing and unclear.

In *In the Matter of Klein* (Review Dept. 1994) respondent failed to obey a court order to halt implementation of a writ of execution against the client's estranged husband for spousal support, retained the funds in his client trust account despite the husband's demand for their return, and ultimately used the funds to pay himself for the wife's legal fees, among other minor violations. The hearing judge found that this conduct involved failure to comply with a court order and violation of trust fund rules, but did not involve moral turpitude or misappropriation since the conduct involved a mistaken and unreasonable, but honest belief that his actions were justified. The attorney received a stayed suspension, and probation.

15

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

Date
January 13, 2009
cc
Date
January 15, 2009
28
Date
January 13, 2009
ad

Deputy Trial Counsel's Signature
Kimberly G. Anderson
Print Name

Respondent's Counsel/Signature
Arthur Margolis
Print Name

Respondent's Signature
Janet Clare Miller
Print Name

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.

SIGNATURE OF THE PARTIES

<p>In the Matter of Janet Clare Miller</p>	<p>Case number(s): 05-0-03562-RAH</p>
--	---

(Do not write above this line.)

(Do not write above this line.)

In the Matter Of
Janet Clare Miller

Case Number(s):
05-O-03562-RAH

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.)**

1-28-09

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 5, 2009, 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:

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

ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

by certified mail, No. _____, with return receipt requested, through the United States Postal Service at _____, California, addressed as follows:

by overnight mail at _____, California, addressed as follows:

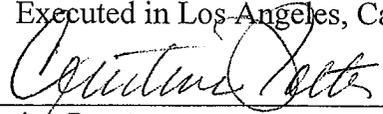
by fax transmission, at fax number _____. No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Kimberly G. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 5, 2009.



Cristina Potter
Case Administrator
State Bar Court