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State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar Fumiko D. Kimura Deputy Trial counsel State Bar of California 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1380 Bar # 208763	Case Number (s) 05-O-04435-RAP	(for Court's use) <p align="center">FILED</p> <p align="center">JUN 18 2007 <i>vac</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
In Pro Per Respondent Marguerite M. Buckley P.O. Box 433 Torrance, CA 90508-0433 Bar # 33312	<p align="center">PUBLIC MATTER</p>	
In the Matter Of: Marguerite M. Buckley Bar # 33312 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 **January 10, 1963**.
- (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.
- (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 **three (3)** **billing cycles following the effective date of the Supreme Court Order.**
(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 **96-O-3880**
 - (b) Date prior discipline effective **5-10-98**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **RPC 3-110(A); B&P 6068(m); 6068(i)**
 - (d) Degree of prior discipline **Private Reproval with Public Disclosure**
 - (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. **Respondent's client's case was dismissed.**
- (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.

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- (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

See "Other Factors in Consideration" on Page 12

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **six (6) months**.

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 **one (1) year**, 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,

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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 checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input 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:**

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Marguerite M. Buckley

Case number(s):
05-O-04435-RAP

A Member of the State Bar

Law Office Management Conditions

a. Within _____ days/ _____ months/ _____ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.

See below

b. Within _____ days/6 months/ _____ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 6 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)

c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for _____ year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

***Respondent is to take at least one MCLE approved course in law office management.

Attachment language (if any):

ATTACHMENT TO
SIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

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.

Count One

Facts

1. Respondent was admitted to the practice of law in the State of California on January 10, 1963, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. On May 28, 2002, Leisa Harness purchased a two-bedroom mobile home from Shirley Giusa, trustee for her father, Robert Kangas. The mobile home was located in Space 76 of the Knolls Lodge Mobile Home Park at 23701 South Western Avenue, Torrance, California 90501 ("Knolls Lodge"). Knolls Lodge was operated by a California limited partnership entitled Knolls Lodge L.P. ("Knolls").
3. On May 29, 2003, Harness submitted a tenancy application to Knolls to run a current credit report on Harness in order to rent the space at the mobile home park.
4. On June 16, 2003, Harness was advised by Knolls that her application for tenancy had been denied.
5. On June 30, 2003, the attorney for Knolls wrote a letter to Harness advising Harness of Knolls' decision to deny her rental application and her need to vacate the space.
6. On July 2, 2003, Harness employed Respondent to represent her on a contingency basis in a lawsuit against Knolls after Knolls filed a forcible detainer action against Harness to recover possession of Space 76.
7. On July 10, 2003, Respondent filed a civil complaint on behalf of Harness against Knolls and several other defendants in the Los Angeles County Superior Court entitled *Harness v. Knolls Lodge, et al.*, case no. YC047034 (the "Knolls Action").
8. On that same day, at the time of the filing of the complaint, the court clerk gave Respondent notice of the first case management conference, which was set for December 17, 2003. Respondent was ordered to give notice of the case management conference to all defendants as they appeared in the Knolls Action. Respondent received notice of the December 17, 2003 case management conference.

9. After the filing of the complaint, Respondent arranged for the complaint to be served on Knolls and several of the other defendants, but failed to timely file the proof of service with the court, as required by court rules.
10. On July 11, 2003, the court set an order to show cause hearing for failure to prosecute for September 23, 2003. The clerk gave Respondent proper notice by mail of the order to show cause hearing set by the court. Respondent received the notice from the court.
11. On August 11, 2003, Knolls filed a demurrer to the complaint and a motion to strike.
12. In response to the demurrer, on September 10, 2003, Respondent filed and served a first amended complaint.
13. On September 11, 2003, the court granted the demurrer to the complaint.
14. On September 22, 2003, Knolls filed a demurrer to the first amended complaint. The demurrer was scheduled to be heard on October 23, 2003 and was properly served on Respondent.
15. On September 23, 2003, Respondent failed to appear in court at the order to show cause hearing and the court issued a further order to show cause regarding dismissal for failure to prosecute and for sanctions, which it set for October 27, 2003. On the same day, the clerk of the court gave proper notice of the court's September 23, 2003 order to Respondent at her address of record in the Knolls Action. Respondent received proper notice from the court of the October 27, 2003 hearing.
16. At no time did Respondent give advance notice to Harness that she would not be appearing at the September 23, 2003 hearing. Respondent also failed to make arrangements for another attorney to appear on her behalf. Respondent did not file a motion to withdraw with the court, or take any other steps to avoid reasonably foreseeable prejudice to her client. Respondent simply failed to appear at the hearing on September 23, 2003.
17. After receiving the notice from the court of the October 27, 2003 hearing on the order to show cause, Respondent did not notify Harness of the outcome of the September 23, 2003 hearing or of the pendency of the order to show cause regarding dismissal set for hearing on October 27, 2003.
18. In response to the order to show cause, Respondent filed a declaration on October 22, 2003, stating that she served all of the defendants except Gail Latham and National Credit Reporting, and that all of the other defendants had appeared through counsel.
19. On October 23, 2003, Respondent appeared for the hearing on the defendants' demurrer to the first amended complaint. The court sustained the demurrer with leave to amend.
20. On October 27, 2003, Respondent failed to appear in court for the order to show cause hearing. As a result, the court dismissed the case as to defendant Gail Latham for failure to prosecute. Respondent received proper notice of the court's order from the court clerk.

21. At no time did Respondent give advance notice to Harness that she would not be appearing at the October 27, 2003 hearing, nor did Respondent arrange for another attorney to appear on her behalf. Respondent did not file a motion to withdraw with the court, or take any other steps to avoid reasonably foreseeable prejudice to her client. Respondent simply failed to appear at the hearing on October 27, 2003.
22. On October 29, 2003, Respondent filed and served a second amended complaint in the Knolls Action.
23. On November 17, 2003, one of the defendants in the Knolls Action filed a request for judicial notice in support of its demurrer to the second amended complaint. Respondent was properly served with the request.
24. On November 24, 2003, one of the defendants in the Knolls Action filed a demurrer to the second amended complaint, which was set for hearing on December 23, 2003. Respondent was properly served with the request. Despite her receipt of the demurrer to the second amended complaint, Respondent failed to timely file an opposition.
25. On December 17, 2003, the court held the first case management conference, which was continued to February 18, 2004. Respondent received proper notice of the date of the second case management conference.
26. On December 23, 2003, Respondent submitted her declaration in opposition to the demurrer, stating that she had failed to timely file an opposition to the demurrer to the second amended complaint due to calendaring errors. She also filed an *ex parte* application for an order continuing the hearing on the demurrer, which the court denied. The demurrer was granted in part. Respondent received proper notice of the order on the demurrer. Despite her receipt of the court's order on the demurrer, Respondent did not notify her client of the outcome of the December 23, 2003 hearing.
27. After December 23, 2003, Respondent failed to take any action on behalf of Harness in the Knolls Action.
28. On February 18, 2004, Respondent failed to appear at the second case management conference. Defendants' counsel appeared at the hearing. As a result, the court issued an order to show cause regarding dismissal and sanctions for Respondent's failure to appear, which was set for hearing on March 11, 2004. The court ordered defendants' counsel to give notice.
29. At no time did Respondent give advance notice to Harness that she would not be appearing at the February 18, 2004 hearing, nor did Respondent arrange for another attorney to appear on her behalf. Respondent did not file a motion to withdraw with the court, or take any other steps to avoid reasonably foreseeable prejudice to her client. Respondent simply failed to appear at the hearing on February 18, 2004.
30. On February 18, 2004, defendants' counsel gave notice of the court's ruling and the March 11, 2004 order to show cause hearing to Respondent by mail at her address of record in the Knolls Action. The notice of ruling was mailed on February 18, 2004 via the United States Postal Service, first class postage prepaid, in a sealed envelope addressed to Respondent. The notice of ruling was not returned as undeliverable or for any other reason by the United States Postal Service.

31. Respondent received the notice of ruling. Despite her receipt of the notice of ruling, Respondent did not notify her client of the outcome of the February 18, 2004 hearing.
32. On March 11, 2004, Respondent failed to appear for the hearing on the order to show cause re dismissal. As a result, the court dismissed the case. The court ordered defendants' counsel to give notice.
33. At no time did Respondent give advance notice to Harness that she would not be appearing at the March 11, 2004 hearing, nor did Respondent arrange for another attorney to appear on her behalf. Respondent did not file a motion to withdraw with the court, or take any other steps to avoid reasonably foreseeable prejudice to her client. Respondent simply failed to appear at the hearing on March 11, 2004.
34. On March 12, 2004, defendants' counsel gave notice of the court's ruling dismissing the case to Respondent by mail at her address of record in the Knolls Action. The notice of ruling was mailed on March 12, 2004 via the United States Postal Service, first class postage prepaid, in a sealed envelope addressed to Respondent. The notice of ruling was not returned as undeliverable or for any other reason by the United States Postal Service.
35. Respondent received the notice of ruling. Despite her receipt of the notice of ruling, Respondent did not notify Harness of the outcome of the March 11, 2004 hearing and the dismissal of her case. Respondent did not undertake any steps to reinstate the Knolls Action after learning it had been dismissed based on her failure to appear at the March 11, 2004 hearing.

Conclusions of Law

By failing to attend court hearings, failing to timely file an opposition to the demurrer filed by the defendants, failing to perform any legal services in the Knolls Action after December 23, 2003, failing to appear at the order to show cause hearing, which resulted in the dismissal of the Knolls Action, and failing to take any steps to reinstate the Knolls Action after learning it had been dismissed, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of the Rules of Professional Conduct rule 3-110(A).

Count Two

Facts

36. The State Bar incorporates the stipulated facts of paragraphs 2 through 35 as though fully set forth at length.
37. By agreeing to handle the Knolls Action on behalf of Harness, but then not timely opposing the defendants' demurrer, not attending court appearances in the Knolls Action, not taking any action on behalf of Harness in the Knolls Action after December 23, 2003, and not taking steps to set aside the dismissal, Respondent effectively withdrew from representation of Harness in the Knolls Action.
38. At no time did Respondent inform Harness that she was withdrawing from employment. At no time did Respondent take any steps to avoid reasonably foreseeable prejudice to Harness.

Conclusions of Law

By failing to inform Harness of her intent not to continue with her representation of Harness in the Knolls Action, and her intent to withdraw from employment, and by failing to take any other steps to avoid reasonably foreseeable prejudice to Harness, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to her client in willful violation of the Rules of Professional Conduct rule 3-700(A)(2).

Count Three

Facts

39. The State Bar incorporates the stipulated facts of paragraphs 2 through 35 as though fully set forth at length.

40. Between the end of 2003 and August 16, 2004, Harness telephoned Respondent at her home office number provided by Respondent to Harness multiple times to obtain a status report on her legal matter. Most of those times Harness left a detailed message on Respondent's answering machine requesting a return call and explaining that she wanted a status report. Despite her receipt of these messages, Respondent failed to return any of Harness' calls.

Conclusions of Law

By failing to respond to any of Harness' calls requesting status reports from the end of 2003 through August 2004, Respondent failed to respond promptly to reasonable status inquiries of her client in willful violation of the Business and Professions Code section 6068(m).

Count Four

Facts

41. The State Bar incorporates the stipulated facts of paragraphs 2 through 35 and 40 as though fully set forth at length.

42. At no time after receiving the notice of dismissal which was served by mail on March 12, 2004 did Respondent inform Harness that the Knolls Action had been dismissed.

Conclusions of Law

By failing to inform Harness that the Knolls Action had been dismissed, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of the Business and Professions Code section 6068(m).

OTHER FACTORS IN CONSIDERATION

Respondent immediately acknowledged her wrongdoing and cooperated with the State Bar during the investigation and disciplinary proceedings. Respondent submitted various documents in support of her mitigation, which included medical records, Respondent's declaration concerning her health and medical treatment, and five character reference letters including letters from her former clients.

Respondent's medical records and declaration contained information concerning her neck and back pain since 2002, diagnoses of glaucoma in 2003, and extensive dental work including root canals and gum surgery from 2003 to 2005. In 2004, Respondent fell on the sidewalk and momentarily lost her consciousness. Respondent began having memory problems and difficulty speaking. Respondent was in great pain and began her treatment along with other treatments she was already receiving at the time. Respondent was also tested for a brain tumor, and the test results came back negative. Respondent's medical problems also include high blood pressure and low thyroid, and she is treating with her family physician. Respondent provided her medical information, not to excuse her misconduct, but to explain about her circumstances surrounding her health, which affected her performance in the Knolls Action.

The character reference letters mentioned Respondent's willingness to counsel anyone who needed legal advice regardless of the person's ability to pay her. One of the letters also mentioned that Respondent has dedicated her life to the defense of the rights of the poor, the underprivileged, and the despised of our society. In 1964, Respondent worked for the National Lawyers Guild in support of civil rights activities. Later on, Respondent headed the Los Angeles office of Neighborhood Legal Services and provided services to the poor and tenants. In 1973, Respondent argued before the United States Supreme Court in *Lubin v. Panish* (1974) 415 U.S. 709. Respondent won the case and it established the right of poor people to run for office without the payment of a filing fee. According to the letter, Respondent continues to this day to take on civil rights cases and that an overwhelming amount of her practice involves working pro bono.

SUPPORTING AUTHORITY

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct, Title IV of the Rules of Procedure of the State Bar of California ("Standards") provides that the primary purposes of disciplinary proceedings are the protection of the public, the courts and legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession. Rehabilitation of a member is a permissible objective of a sanction imposed upon the member.

In determining the appropriate level of discipline, "great weight" is afforded to the Standards. (*In re Silvertown* (2005) 36 Cal.4th 81, 92.) However, the Supreme Court is "not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, we are permitted to temper the letter of the law with considerations peculiar to the offense and the offender." (*In the Matter of Van Sickle* (2006) 4 Cal. State Bar Ct. Rptr. 980, 994, quoting *Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.)

According to Standard 1.6 (a), if two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions. Standard 1.7 (a) is also applicable in this matter as Respondent has one prior record of discipline. It provides that the degree of

discipline shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

For culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client, Standard 2.4 (b) calls for a reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client. For culpability of the Business and Professions Code section 6068, Standard 2.6 (a) calls for disbarment or suspension depending on the gravity of the offense or the harm to the victim. For culpability of a member of a violation of any provision of the Business and Professions Code not specified in the standards or of a willful violation of any Rule of Professional Conduct not specified in the standards, Standard 2.10 provides that it shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

In *In the Matter of Cacioppo* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 128, the attorney was found culpable of failing to render a proper accounting and failing to communicate in one client matter. The Court noted that if it were the attorney's first offense, a reproof would have been appropriate in light of the impressive character evidence presented and his 17 years of practice. However, because of his prior discipline, the attorney was given six months stayed suspension and one year probation. In 1989, the attorney was disciplined and received a public reproof for failing to perform in one client matter. The Court stated that a greater discipline was appropriate in this case pursuant to Standard 1.7 (a).

As in *Cacioppo*, Respondent committed misconduct in one client matter and has one prior record of discipline. In 1998, after 25 years of practice, Respondent received a private reproof with public disclosure, in connection with one client matter, for her failure to perform with competence, failure to communicate, and failure to cooperate in the State Bar investigation. Therefore, a greater level of discipline is appropriate in this case pursuant to Standard 1.7 (a). In the present disciplinary matter, however, Respondent has cooperated with the State Bar during the investigation as well as during the disciplinary proceedings. Furthermore, Respondent immediately acknowledged her wrongdoing. There were many factors considered in determining an appropriate level of discipline in this case, as stated in the section "Other Factors in Consideration." In light of her acknowledgement and commitment to not repeat the misconduct along with the mitigating circumstances and other factors, the level of discipline and the conditions of probation provided in this stipulation will achieve the purposes of the disciplinary proceedings, as stated in Standard 1.3.

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>
06-O-11467	Five	RPC 4-100 (A)

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A (7) was May 31, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS

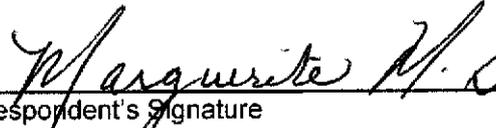
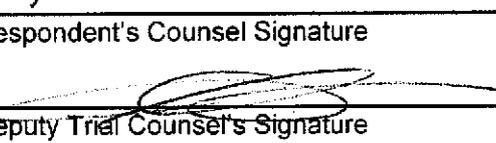
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 1, 2007, the estimated prosecution costs in this matter are approximately \$3,654.00. Respondent acknowledges that this figure is an estimate only. Respondent further acknowledges that should this 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 Marguerite M. Buckley	Case number(s): 05-O-04435-RAP
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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.

<u>6/1/07</u> Date	 Respondent's Signature	<u>Marguerite M. Buckley</u> Print Name
<u>6/1/07</u> Date	 Respondent's Counsel Signature	<u>Fumiko D. Kimura</u> Print Name

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In the Matter Of Marguerite M. Buckley	Case Number(s): 05-O-04435-RAP
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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.)**

Date

6/18/07

Judge of the State Bar Court

RICHARD A. HONN

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 June 18, 2007, 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:

**MARGUERITE M BUCKLEY
P O BOX 433
TORRANCE CA 90508**

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

FUMIKO KIMURA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 18, 2007**.



Angela Owens-Carpenter
Case Administrator
State Bar Court