

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case Nos.: 05-O-04503-RAP
)	
LAJETTA YVETTE WRIGHT,)	DECISION AND ORDER SEALING
)	CERTAIN DOCUMENTS
Member No. 207506,)	
)	
<u>A Member of the State Bar.</u>)	

INTRODUCTION

In this original disciplinary proceeding, respondent LaJetta Yvette Wright was accepted for participation in the State Bar Court’s Alternative Discipline Program (ADP). As the court has now found that respondent has successfully completed the ADP, the court will recommend to the Supreme Court that respondent be suspended from the practice of law in California for three years, that execution of that period of suspension be stayed, and that she be placed on probation for three years subject to certain conditions including one year of actual suspension.

PERTINENT PROCEDURAL HISTORY

Following the filing of a Notice of Disciplinary Charges (NDC) against respondent by the State Bar of California’s Office of the Chief Trial Counsel (State Bar) on September 29, 2006, respondent requested referral for evaluation of her eligibility for participation in the State Bar Court’s ADP. The request was granted and this matter was referred to the ADP before the undersigned judge.

In furtherance of her participation in the ADP, respondent contacted the State Bar's Lawyer Assistance Program (LAP) on August 8, 2006, to assist her with her mental health issue and signed a LAP Participation Plan on March 29, 2007. Respondent also submitted a declaration to the court on December 5, 2006, which established a nexus between respondent's mental health issue and her misconduct in this matter.

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation) in January 2007. The Stipulation sets forth the factual findings, legal conclusions and mitigating and aggravating circumstances in this matter.

Following briefing by the parties in March and April of 2007, the court issued a Confidential Statement of Alternative Dispositions and Orders formally advising the parties of (1) the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and (2) the discipline which would be recommended if respondent failed to successfully complete, or was terminated from, the ADP. After agreeing to those alternative possible dispositions, respondent and her counsel executed the Contract and Waiver for Participation in the State Bar Court's ADP; the court accepted respondent for participation in the ADP; and respondent's period of participation in the ADP began on August 8, 2007.

In addition, the court filed an order on August 10, 2007, enrolling respondent as an inactive member of the State Bar of California pursuant to Business and Professions Code section 6233 effective on August 13, 2007. By order filed on August 26, 2008, the court granted respondent's motion to terminate the inactive status effective on that same date.

Respondent thereafter participated successfully in both the LAP and the State Bar Court's ADP. On March 4, 2010, after receiving a satisfactory recommendation from a mental health professional, the court found that respondent has successfully completed the ADP. This finding was memorialized in an order filed on March 11, 2010.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The parties' Stipulation, including the court's order approving the Stipulation, is attached hereto and hereby incorporated by reference, as if fully set forth herein. Respondent stipulated in one matter to two counts of wilfully violating section 6106 of the Business and Professions Code by misappropriating at least \$26,417.69 of an organization's funds.

In mitigation, respondent has no prior disciplinary record. She was candid and cooperative; made restitution; suffered severe financial stress; and had family problems. In addition, it is appropriate to consider respondent's successful completion of the ADP as a further mitigating circumstance in this matter. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(e)(iv).)¹ There were no aggravating factors.

DISCUSSION

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

In determining the appropriate alternative discipline recommendations if respondent successfully completed the ADP or was terminated from, or failed to successfully complete, the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. In particular, the court considered standards 1.2, 1.3, 1.4, 1.5, 1.6, 2.2, and 2.3 and *In re Brown* (1995) 12 Cal.4th 205; *In re Morse* (1995) 11 Cal.4th 184; *McKnight v. State Bar* (1991) 53 Cal.3d 1025; *In re Naney* (1990) 51 Cal.3d 186; *Morgan v. State Bar* (1990) 51 Cal.3d 598; *In re Ewaniszyk* (1990) 50 Cal.3d 543; *Chadwick v. State Bar* (1989) 49 Cal.3d 103; *Kelly v. State Bar* (1988) 45 Cal.3d 649; *Doyle v. State Bar* (1976) 15 Cal.3d 973; *Lewis v.*

¹ All further references to standard(s) or std. are to this source.

State Bar (1973) 9 Cal.3d 704; *In re Andreani* (1939) 14 Cal.2d 736; *In the Matter of McCarthy* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 364; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511; *In the Matter of Lynch* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 287; *In the Matter of Lilly* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 185; *In the Matter of Moriarty* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 245; *In the Matter of Bleecker* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 113; and *In the Matter of Mapps* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 1.

Because respondent has now successfully completed the ADP, this court, in turn, now recommends to the Supreme Court the imposition of the lower level of discipline, set forth more fully below, contained in the Confidential Statement.

DISCIPLINE

Recommended Discipline

It is hereby recommended that respondent **LaJetta Yvette Wright**, State Bar Number 207506, be suspended from the practice of law in California for three years, that execution of that period of suspension be stayed, and that she be placed on probation² for a period of three years subject to the following conditions:

1. Respondent **LaJetta Yvette Wright** is suspended from the practice of law for the first year of probation (with credit given for the period of inactive enrollment pursuant to Business and Professions Code section 6233 which commenced on August 13, 2007 and ended on August 26, 2008).³

² The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

³ It is recommended that respondent receive credit for the period of her inactive enrollment under section 6233 toward her period of suspension imposed in this matter. If such recommendation is adopted by the Supreme Court, respondent will therefore not serve any period of suspension after the effective date of the Supreme Court's order imposing discipline in

2. Respondent **LaJetta Yvette Wright** must also comply with the following additional conditions of probation:

- a. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
- b. 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;
- c. Within thirty (30) days after 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;
- d. 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 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 thirty (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 the probation period;

- e. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation conditions;

this matter. It is therefore not recommended that respondent be ordered to comply with rule 9.20 of the California Rules of Court.

- f. Within one 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 and passage of the test given at the end of that session.
- g. Respondent must comply with all provisions and conditions of her Participation Agreement with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of her Participation Agreement to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and her compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP.

At the expiration of the period of probation, if LaJetta Yvette Wright has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

Multistate Professional Responsibility Examination

It is further recommended that LaJetta Yvette Wright be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court's disciplinary order in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. It is further recommended that LaJetta Yvette Wright be ordered to reimburse the Client Security Fund to the extent that the

misconduct in this matter results in the payment of funds and such payment be enforceable as provided for under Business and Professions Code section 6140.5.

DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: May 24, 2010.

RICHARD A. PLATEL
Judge of the State Bar Court