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State Bar Court of California
Hearing Department
Los Angeles

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| <p>Counsel For The State Bar</p> <p>Lee Ann Kern, Deputy Trial Counsel State Bar of California 1149 S. Hill Street Los Angeles, CA 90015</p> <p>Bar # 156623</p> | <p>Case Number (s) 05-O-05134</p> | <p>(for Court's use)</p> <p align="center">FILED</p> <p align="center">DEC - 6 2006 <i>YIC</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p align="center">PUBLIC MATTER</p> |
| <p>Counsel For Respondent</p> <p>Joe C. Hopkins 1541 N. Lake Ave. Pasadena, CA 91104-2307</p> <p>Bar # 105850</p> | <p>Submitted to: Assigned Judge</p> | |
| <p>In the Matter Of: Gabrielle Woods</p> <p>Bar # 133481</p> <p>A Member of the State Bar of California (Respondent)</p> | <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> | |

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 **May 19, 1988**.
- (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 **12** 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.)

Actual Suspension



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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

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:

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

Actual Suspension

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:**
 - (a) Respondent must be suspended from the practice of law for a period of **two 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 **three years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, Calif. Rules of Ct.)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **sixty 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 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

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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.
- 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 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 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, 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 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, 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.)

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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GABRIELLE WOODS

CASE NUMBER(S): 05-O-05134

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 Rules of Professional Conduct.

COUNT ONE - Business and Professions Code, section 6068(a)
 [Failure to Support Laws - Unauthorized Practice]

1. Respondent wilfully violated Business and Professions Code, section 6068(a), by advertising or holding herself out as practicing or entitled to practice law or otherwise practicing law when she was not an active member of the State Bar in violation of Business and Professions Code, sections 6125 and 6126, as follows:

2. On or about July 15, 2005, the State Bar's Office of Certification mailed a letter to Respondent at her membership records address on Ventura Street in the City of Altadena. The letter was entitled, "MCLE Non-Compliance 60-Day Notice" and informed Respondent that if she failed to comply with the MCLE requirements by September 15, 2005, she would be enrolled as an inactive member and not be permitted to practice law until such time that she complied with the MCLE requirements. Respondent received the letter.

3. On or about August 5, 2005, the State Bar's Office of Certification mailed a letter to Respondent at her membership records address. The letter was entitled, "MCLE Non-Compliance Final Notice" and again informed her that if she failed to comply with the MCLE requirements by September 15, 2005, she would be enrolled as an inactive member. The August 5, 2005, letter was returned to the Office of Certification as undeliverable.

4. On or about August 24, 2006, a staff member from the Office of Certification attempted to phone Respondent at the phone listed with Respondent's membership records address, but Respondent's telephone number had been disconnected.

5. On or about September 8, 2005, the Office of Certification located an alternate

address for Respondent on Marathon Road in the City of Altadena and mailed a letter to Respondent at that address in which they reminded Respondent of her duty to advise the State Bar of any change of her address. The letter also informed Respondent that the use of the alternate address did not constitute a change of her official address of record. In this letter, the Office of Certification enclosed a copy of the August 5, 2005 "MCLE Non-Compliance Final Notice" letter. Respondent received the September 8, 2005, letter and the enclosed August 5, 2005, letter.

6. On or about September 22, 2005, the Office of Certification mailed a letter to Respondent at her membership records address on Ventura Street in the City of Altadena. The letter was entitled, "MCLE Non-Compliance. Notice of Enrollment on Not Eligible Status" and informed Respondent that she was enrolled on not eligible status on September 16, 2005. Respondent received the letter.

7. Respondent remained enrolled on "not eligible" status until December 27, 2005, when she submitted proper compliance with her MCLE requirements.

8. In or about August 2005, Respondent was hired by Randy Snyder and Inez Yslas (collectively, "defendants") to defend them in an unlawful detainer action pending in the Northeast Branch of the Los Angeles Superior Court entitled, *Sagastume vs. Snyder, et. al*, case no. O5U00533 ("the UD action").

9. On or about September 19, 2005, while she was not entitled to practice law, Respondent filed an answer on behalf of the defendants in the UD action.

10. Between in or about September 19, 2005 and in or about October 11, 2005, Respondent informed the defendants that she had not completed her MCLE requirements and because she had not completed the requirements, she would not be entitled to practice law.

11. On or about October 11, 2005, while she was not entitled to practice law, Respondent filed a Motion to Stay the Proceedings on behalf of the defendants in the UD action.

12. On or about October 11, 2005, Respondent checked the State Bar's website and saw that she was ineligible to practice law.

13. On or about October 17, 2005, the date set for trial in the UD action, Respondent appeared in court on behalf of the defendants and informed the court that the defendants had hired new counsel and that new counsel would be late to court that day. Respondent did not inform the court that she was ineligible to practice law. The court then raised the issue of Respondent's inactive status and struck the defendant's Motion to Stay Proceedings that Respondent had filed on October 11, 2005, while she was on not eligible status. Opposing

counsel stipulated that the court accept the answer to the complaint that Respondent had filed on September 19, 2005, while she was on ineligible status.

14. LEGAL CONCLUSION: By filing an answer on September 19, 2005 and a motion on October 11, 2005, and by appearing in court on October 17, 2005, Respondent held herself out as entitled to practice law and actually practiced law when she was not an active member of the State Bar in wilful violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California.

COUNT TWO: Business and Professions Code, section 6106
[Moral Turpitude]

15. Respondent wilfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:

16. The allegations of paragraphs 2 through 13 are incorporated by reference.

17. Respondent knew that she would be placed on ineligible status on September 16, 2005, if she did not comply with the MCLE requirements. Notwithstanding her knowledge of the consequences, Respondent did not comply with her MCLE requirements prior to filing pleadings and appearing in court, and therefore knowingly practiced law when she was not entitled to do so.

18. LEGAL CONCLUSION: By knowingly filing pleadings and appearing in court when she knew she was ineligible to practice law, Respondent committed acts involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code, section 6106.

COUNT THREE: Business and Professions Code, section 6068(j)
[Failure to Update Membership Address]

19. Respondent wilfully violated Business and Professions Code, section 6068(j), by failing to comply with the requirements of section 6002.1, which requires a member of the State Bar to maintain on the official membership records of the State Bar, the member's current office address and telephone number or, if no office is maintained, the address to be used for State Bar purposes or purposes of the agency charged with attorney discipline, as follows:

20. The allegations of paragraphs 2 through 13, and 17 are incorporated by reference.

21. LEGAL CONCLUSION: By failing to provide the State Bar with her correct office address and telephone number, Respondent failed to comply with the requirements of Business

and Professions Code, section 6002.1, in wilful violation of Business and Professions Code, section 6068(j).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was November 28, 2006.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards:

The Supreme court gives the Standards "great weight," and will reject a recommendation consistent with the Standards only where the Court entertains "grave doubts" as to its propriety. (*In re Naney* (1990) 51 Cal.3d 186, 190; *In re Silverton* (2005) 36 Cal. 4th 81, 91-92.) Although the Standards are not mandatory, it is well established that the Standards may be deviated from only when there is a compelling, well-defined reason to do so. See *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291; *Bates v. State Bar* (1990) 51 Cal.3d 1056, 1060, fn. 2. There is no compelling reason to deviate from the standards in the instant matter.

1.6(a) - If two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribe by the standards for those acts, the sanction imposed shall be the more or most severe of the different applicable standards.

2.3 - Culpability of an act of moral turpitude, fraud, or intentional dishonesty toward a client shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed and depending upon the magnitude of the misconduct and the degree to which it relates to the member's acts within the practice of law.

2.6 - Culpability of a member of a violation of Business and Professions Code, sections 6068(a), 6125, and 6126 shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim.

Case Law:

In *In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639, Mason was found culpable of violating Business and Professions Code, sections 6068(a), 6125, 6126 and 6106 for practicing law while he was suspended. In aggravation, Mason had a prior record of discipline and was found to have engaged in multiple acts of misconduct. Mason's pro bono work was found to be a mitigating factor. Mason received three years stayed suspension, three years probation, and 90 days actual suspension.

In the case at bar, the Respondent has no prior record of discipline in over 18 years in practice.

The recommended discipline is therefore supported by the standards and the case law.

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| In the Matter of Gabrielle Woods | Case number(s): 05-O-05134 |
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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>11-30-2006</u> Date | <u>Gabrielle Woods</u> Respondent's Signature | <u>Gabrielle Woods</u> Print Name |
| <u>11-30-2006</u> Date | <u>Joe C. Hopkins</u> Respondent's Counsel Signature | <u>Joe C. Hopkins</u> Print Name |
| <u>12/1/06</u> Date | <u>Lee Ann Kern</u> Deputy Trial Counsel's Signature | <u>Lee Ann Kern</u> Print Name |

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| In the Matter Of Gabrielle Woods | Case Number(s): 05-O-05134 |
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)**

12-06-06
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 December 6, 2006, I deposited a true copy of the following document(s):

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

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

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

**JOE CARROLL HOPKINS
1541 N LAKE AVE
PASADENA, CA 91104 - 2307**

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

LEE ANN KERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 6, 2006.



Tammy R. Cleaver
Case Administrator
State Bar Court