

(Do not write above this line.)

**State Bar Court of California**  
**Hearing Department**  
**Los Angeles**

Counsel For The State Bar  <b>Jayne Kim</b> <b>Assistant Chief Trial Counsel</b> <b>Office of the Chief Trial Counsel</b> <b>1149 S. Hill Street</b> <b>LA, CA 90015</b> <b>213.765.1714</b>  <b>174614</b> Bar # <b>225843</b>	Case Number (s) <b>06-O-11096</b>	(for Court's use)  <div align="center"> <b>FILED</b>  <b>AUG - 4 2008</b> <i>SLC</i>          STATE BAR COURT          CLERK'S OFFICE          LOS ANGELES       </div> <div align="center" style="font-size: 2em; margin-top: 20px;">PUBLIC MATTER</div>
In Pro Per Respondent  <b>Patricia Gittelson</b> <b>6819 Sepulveda Blvd., Ste 304</b> <b>Van Nuys, CA 91405</b> <b>818.989.5667</b>  Bar # <b>225843</b>	Submitted to: <del>Settlement</del> Judge  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: <b>PATRICIA G. GITTELSON</b>  Bar # <b>225843</b>  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 **June 7, 2003**.
- (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 **10** 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 membership years: **Next three billing cycles**  
(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 **05-O-00884**
  - (b) ☒ Date prior discipline effective **June 28, 2006**
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **3-700(D)(2), 4-100(A), 4-100(B)(3)**
  - (d) ☒ Degree of prior discipline **public reproof**
  - (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**

See "OTHER CIRCUMSTANCES" on p. 7, regarding Respondent's lack of cooperation to the victim of her misconduct.

**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 displayed cooperation with the State Bar to the extent that she stipulated to her misconduct and discipline.**

#### 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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **TWO 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.

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- (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: **Respondent passed the MPRE in November 2006 in State Bar Court case no. 05-O-00884.**
- (2) ☒ **Other Conditions:**
- See "Other Conditions" on p. 8.**

ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
**IN THE MATTER OF: PATRICIA G. GITTELSON, CASE NO: 06-O-11096**

1. On March 13, 2004, Adolfo Gonzalez ("Gonzalez") hired Respondent to represent him before the immigration court of the United States Department of Justice.
2. On September 9, 2005, the immigration court denied Gonzalez's asylum petition. On or about September 16, 2005, Gonzalez signed a new retainer agreement with Respondent wherein Respondent agreed to perfect an appeal to the BIA ("BIA matter") within 30 days from the September 9, 2005 order.
3. On October 13, 2005, Respondent filed an untimely notice of appeal in the BIA matter. On November 14, 2005, the BIA issued an order dismissing the appeal as untimely and served Respondent with a copy of the dismissal order by mail.
4. On that same day, November 14, 2005, Gonzalez telephoned Respondent's office regarding the status of his appeal. At that time, one of Respondent's employees told Gonzalez that his appeal was proceeding in order. At that time, Respondent had not yet received the BIA order dated November 14, 2005. Respondent received the BIA order shortly thereafter.
5. On January 17, 2006, Gonzalez received a letter from Immigration and Customs Enforcement ordering him to appear for deportation on February 1, 2006. Gonzalez telephoned Respondent who then informed Gonzalez for the first time that the BIA had dismissed his appeal due to Respondent's late filing of the appeal.
6. On February 16, 2007, Gonzalez filed a civil lawsuit against Respondent in Los Angeles County Superior Court case no. LC077130, entitled *Gonzalez v. Gittelson, et. al.* ("the civil matter"), alleging breach of contract, general negligence, and fraud.
7. On October 9, 2007, a stipulated judgment was entered in the civil matter. As part of the stipulated judgment, Gonzalez agreed to "dismiss" his State Bar complaint against Respondent within 15 days after the entry of the stipulated judgment. Respondent agreed to pay Gonzalez \$18,000.00, in monthly installments of \$500.00, with an initial \$2,500.00 payment on October 31, 2007.
8. By failing to file a timely appeal and failing to inform Gonzalez of the BIA order of dismissal, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).
9. By entering into a stipulation that required Gonzalez to withdraw his complaint with the State Bar, Respondent, while acting as a party, agreed that a plaintiff would withdraw a disciplinary complaint or would not cooperate with the investigation or

prosecution conducted by the disciplinary agency, in wilful violation of Business and Professions Code, section 6090.5(a)(2).

### **OTHER CIRCUMSTANCES:**

Respondent did not make any payments to Gonzalez in satisfaction of the aforementioned judgment until June 20, 2008. At that time, Respondent mailed a cashier's check in the amount of \$500.00 to Gonzalez's attorney.

### **SUPPORTING AUTHORITIES FOR LEVEL OF DISCIPLINE:**

#### **Standards for Attorney Sanctions for Professional Misconduct:**

- Misconduct involving the willful failure to perform shall result in reproof or suspension depending upon the extent of the misconduct and degree of harm to the client. (Std 2.4)
- A violation of Business and Professions Code section 6090.5 shall result in reproof or suspension according to the gravity of the offense or harm. (Std. 2.10)
- Generally, where a member has a record of one prior imposition of discipline, the degree of discipline in the member's current proceeding shall be greater than that imposed in the prior proceeding. (Std. 1.7(a))

Respondent's failure to perform in the instant matter occurred prior to the effective date of Respondent's prior discipline and occurred near the time of her prior misconduct. The aggravating force of prior discipline may be diminished if the misconduct underlying it occurred during the same time period as the current misconduct. (*See In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602).

### **PENDING PROCEEDINGS:**

The disclosure date referred to, on page one, paragraph A.(7) was June 26, 2008.

### **COSTS:**

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of January 9, 2008, the estimated prosecution costs in this matter are approximately \$1,983.00. 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.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6068.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)



**OTHER CONDITIONS:**

Respondent shall make monthly payments to Gonzalez in satisfaction of and as provided for in the aforementioned judgment in Los Angeles County Superior Court case no. LC077130. Pursuant to that judgment, Respondent shall pay a total of \$18,000.00 to Gonzalez in minimum monthly payments of \$500.00, due on or before the 15<sup>th</sup> of each month.

Within 30 days from the effective date of discipline, Respondent must provide satisfactory proof to the Office of Probation regarding what amounts have already been paid towards the judgment and what amount remains owed to Gonzalez.

For those payments owing during the probationary period, Respondent must provide the Office of Probation with satisfactory proof of payment with each quarterly probation report and final report – unless otherwise directed by the Office of Probation.

No later than 30 days prior to the expiration of the period of probation, Respondent must make any necessary final payment(s) in order to complete the payment of the judgment, **in full**.

Respondent stipulates that should she modify or settle the aforementioned judgment with Mr. Gonzalez, she is not automatically relieved from the probation obligations, herein, to make payments to Mr. Gonzalez. Respondent must seek proper modification of her probation conditions and obtain a modification order from the State Bar Court before ceasing or deviating from the payment plan provided herein.

In the Matter of  
**PATRICIA G. GITTELSON**

Case number(s):  
**06-O-11096**

A Member of the State Bar

### **Law Office Management Conditions**

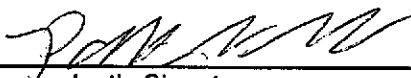
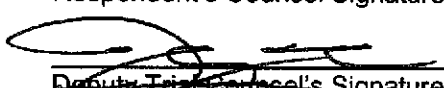
- a. ☒ Within **30** days/       months/       years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document 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.
- b. ☒ Within       days/**SIX (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 **SIX (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.

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In the Matter of <b>PATRICIA G. GITTELSON</b>	Case number(s): <b>06-O-11096</b>
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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>7-3-08</u> Date	 Respondent's Signature	<u>Patricia G. Gittelson</u> Print Name
<u>7-10-08</u> Date	 Respondent's Counsel Signature	<u>Jayne Kim</u> Print Name
	<u>Assistant Chief Trial Counsel</u>	

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In the Matter Of <b>PATRICIA G. GITTELSON</b>	Case Number(s): <b>06-O-11096</b>
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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.)**

August 1, 2008  
Date

  
Judge of the State Bar Court

**DONALD F. MILES**

**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 August 4, 2008, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING STAYED SUSPENSION; NO 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:

**PATRICIA G. GITTELSON  
LAW OFC PATRICIA GITTELSON  
6819 SEPULVEDA BLVD STE 304  
VAN NUYS, CA 91405 - 4464**

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

**JAYNE KIM, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 4, 2008.



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**Tammy R. Cleaver**  
Case Administrator  
State Bar Court