

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of ) Case No.: **06-O-11360-DFM**  
)  
**JILL ADRIAN REZA** )  
) **DECISION AND ORDER SEALING**  
**Member No. 223552** ) **CERTAIN DOCUMENTS**  
)  
A Member of the State Bar. )

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**INTRODUCTION**

After the filing of formal disciplinary charges against Respondent **Jill Adrian Reza** (Respondent) in May 2007, this matter was referred to the State Bar Court’s Alternative Discipline Program (ADP) and assigned to the undersigned judge.

On May 29, 2007, Respondent contacted the State Bar of California’s Lawyer Assistance Program (LAP) to assist her with her mental health issues. On November 15, 2007, she executed a Participation Agreement with the LAP.

On August 7, 2007 and May 19, 2008, Respondent submitted declarations establishing a nexus between her mental health issues and her misconduct in this matter.

The parties entered into a Stipulation Re Facts and Conclusions of Law in February 2008.

Respondent was accepted into the ADP on June 18, 2008. On June 20, 2008, the court lodged its Confidential Statement of Alternative Dispositions and Orders, the Contract and Waiver for Participation in the State Bar Court’s ADP and the parties’ Stipulation Re Facts and

Conclusions of Law. Thereafter, Respondent participated successfully in both the State Bar's LAP and the court's ADP.

The parties' Stipulation Re Facts and Conclusions of Law was filed on April 20, 2009, pursuant to her request and the court's approval thereof on April 20, 2009.

The LAP issued a Certificate of One Year Participation in the Lawyer Assistance Program dated September 2, 2010, which reflects that Respondent has satisfied the requirements set forth in the LAP Participation Agreement/Plan for at least one year prior to September 2, 2010, and that during this time period, she had maintained mental health stability and participated successfully in the LAP.

On September 13, 2010, the court issued an order finding that Respondent successfully completed the ADP and this matter was submitted for decision.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In this matter, Respondent and the State Bar stipulated to her culpability for violations of Business and Professions Code section 6106<sup>1</sup> (two instances). In mitigation, Respondent was taking steps to treat her mental health issues and had no prior discipline. In aggravation, Respondent engaged in multiple acts of misconduct.

The parties' Stipulation Re Facts and Conclusions of Law, including the court's order approving the stipulation, is attached hereto and incorporated herein by reference as if fully set forth herein. The Stipulation Re Facts and Conclusions of Law sets forth the factual findings, legal conclusions and aggravating and mitigating circumstances in this matter.

Furthermore, at the time Respondent engaged in the misconduct, she was suffering from mental health issues which directly caused the misconduct in this proceeding. Supreme Court and Review Department case law establish that extreme emotional difficulties are a mitigating

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<sup>1</sup> Future references to section are to the Business and Professions Code section unless otherwise stated.

factor where expert testimony establishes that those emotional difficulties were directly responsible for the misconduct, provided that the attorney has also established, through clear and convincing evidence, that he or she no longer suffers from such difficulties. (*Porter v. State Bar* (1990) 52 Cal.3d 518, 527; *In re Naney* (1990) 51 Cal.3d 186; 197; *In re Lamb* (1989) 49 Cal.3d 239, 246; *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 701-702.)

Respondent successfully completed the ADP. Respondent's successful completion of the ADP and her successful participation in LAP qualify as clear and convincing evidence that Respondent no longer suffers from the mental health issues leading to her misconduct. Accordingly, it is appropriate to consider Respondent's successful completion of the ADP as a mitigating circumstance in this matter. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, standard 1.2(e)(iv).)

### **DISCUSSION**

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

After reviewing Respondent's briefs on the issue of discipline, the court advised the parties of the specific discipline that it would recommend to the Supreme Court if Respondent successfully completed the ADP and the discipline which would be recommended if Respondent was terminated from, or did not successfully complete, the ADP. In determining what level of discipline was appropriate to recommend in each of such scenarios, the court considered standards 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, and 2.3; and the case law cited in the parties' discipline briefs, including *In re Silverton* (2005) 36 Cal.4th 81; *In re Morse* (1995) 11 Cal.4th 184; *In re Brown* (1995) 12 Cal.4th 205; *Drociak v. State Bar* (1991) 52 Cal.3d 1085; *Morgan v. State Bar*

(1990) 51 Cal.3d 598; *Snyder v. State Bar* (1990) 49 Cal.3d 1302; *In re Young* (1989) 49 Cal.3d 257; *Levin v. State Bar* (1989) 47 Cal.3d 1140; *Lawhorn v. State Bar* (1987) 43 Cal.3d 1357; *Bach v. State Bar* (1987) 43 Cal.3d 848; *Di Sabatino v. State Bar* (1980) 27 Cal.3d 159; *Codiga v. State Bar* (1978) 20 Cal.3d 788; *Davidson v. State Bar* (1976) 17 Cal.3d 570; *Mushrush v. State Bar* (1976) 17 Cal.3d 487; *Sullins v. State Bar* (1975) 15 Cal.3d 609; *Vaughn v. State Bar* (1972) 6 Cal.3d 847; *In re Cooper* (1971) 5 Cal.3d 256; *Grove v. State Bar* (1965) 63 Cal.2d 312; *Collins v. Superior Court* (2001) 94 Cal. App. 4<sup>th</sup> 1244; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980; *In the Matter of Pasyanos* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 746; and *In the Matter of Bleecker* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 113.

After Respondent agreed to the discipline that the court stated it would recommend to the Supreme Court if she successfully completed or was terminated from, or failed to successfully complete, the ADP, Respondent executed the Contract to participate in the ADP. The Contract was then lodged with the court; and Respondent's participation in the ADP commenced.

Because Respondent has now successfully completed the ADP, the court recommends to the Supreme Court the imposition of the discipline set forth below.

### **RECOMMENDED DISCIPLINE**

#### **Stayed Suspension**

IT IS HEREBY RECOMMENDED that Respondent **Jill Adrian Reza, Member No. 223552**, be suspended from the practice of law for one year; that execution of that suspension be stayed, and that Respondent be placed on probation for two years, with the following conditions:

1. Respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;

2. Within thirty (30) days after the effective date of discipline, Respondent must contact the State Bar's 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;

3. Within ten (10) calendar days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including her current office address and telephone number, Respondent must report such change in writing to both the Office of Probation and to the Membership Records Office of the State Bar;

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 during which these probation conditions are in effect. Under penalty of perjury, Respondent must state in each report whether she has complied with the State Bar Act, the Rules of Professional Conduct and all conditions of probation during the preceding calendar quarter. If the first report will cover less than thirty (30) calendar days, that report must be submitted on the reporting date for the next calendar quarter and must cover the extended period. In addition to all quarterly reports, Respondent must submit a final report, containing the same information required by the quarterly reports. The final report must be submitted no earlier than twenty (20) calendar days before the last day of the period of probation and no later than the last day of the probation period;

5. Subject to the assertion of applicable privileges, Respondent must answer fully, promptly and truthfully, all inquiries of the Office of Probation which are directed to her

personally or in writing relating to whether Respondent is complying or has complied with the conditions of her probation;

6. Within one year after 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 of passage of the test given at the end of that session; and

7. Respondent must comply with all provisions and conditions of her Participation Agreement/Plan 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/Plan 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.

8. These probation conditions will commence on the effective date of the Supreme Court's final disciplinary order in this proceeding.

9. At the expiration of the period of this probation if Respondent has complied with all the terms of probation, the order of the Supreme Court suspending Respondent from the practice of law for one year will be satisfied and that suspension will be terminated.

### **MPRE**

It is further recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of the Supreme Court's disciplinary order in this matter and to provide satisfactory proof of her passage to the

State Bar's Office of Probation in Los Angeles within the same time period. Failure to do so may result in Respondent's 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 one-half of the costs be paid with her membership fees for each of the years 2012 and 2013. If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately. It is further recommended that Respondent 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 disclosure. 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: December \_\_\_\_ 2010

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DONALD F. MILES  
Judge of the State Bar Court