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State Bar Court of California
Hearing Department
Los Angeles

~~CONFIDENTIAL~~

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

<p>Counsel For The State Bar</p> <p>Monique T. Miller Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1486</p> <p>Bar # 212469</p>	<p>Case Number (s)</p> <p>06-O-11559, 06-O-11880 06-O-14274 06-O-14275 06-O-14276</p>	<p>(for Court's use)</p> <p>FILED</p> <p>MAY 14 2009</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> 
<p>In Pro Per Respondent</p> <p>Jacqueline Staten Law Ofc Jacqueline Staten, Esq 895 Dove St 3FL Newport Beach, CA 92660 (714) 748-9595</p> <p>Bar # 175733</p>	<p>Submitted to: Program Judge</p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Jacqueline Staten</p> <p>Bar # 175733</p> <p>A Member of the State Bar of California (Respondent)</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 **December 19th, 1994**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **9** pages, excluding 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".



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- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

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- (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:

4. Respondent mailed Dinh billing statements dated May 14, 2004, July 23, 2004, June 17, 2005, and August 18, 2005. Each of those billing statements reflected a credit balance for Dinh in the amount of \$1,551.70 ("Dinh's funds").

5. Subsequent to May 2004, Respondent did not provide any legal services to Dinh and did not earn any portion of Dinh's \$1,551.71.

6. On June 20, 2005 and August 23, 2005, Dinh wrote letters to Respondent in which she requested that Respondent close her file and refund Dinh's funds. Respondent received the letters.

7. Between September 22, 2005, and April 4, 2006, Dinh requested a refund of the unearned fees on several occasions, by emails, telephone messages, and letters. Respondent received the e-mails, messages, and letters.

8. On April 18, 2008, Respondent refunded \$1,551.71 to Dinh.

CONCLUSIONS OF LAW

9. By failing to promptly refund, upon termination of employment, the \$1,551.71 in advanced fees paid by Dinh that Respondent did not earn, Respondent failed to refund unearned fees to her client, in wilful violation of rule 3-700(D)(2), Rules of Professional Conduct.

Case No. 06-O-11880

FACTS

10. On July 29, 2005, Edwin Troy Bogar ("Bogar") hired Respondent to represent him in his dissolution of marriage in the matter entitled *Stacey Bogar v. Edwin Troy Bogar*, Los Angeles Superior Court case number BD430284. In July and August 2005, Bogar paid Respondent a total of \$3,000 in advanced fees.

11. On August 10, 2005, Stacey Bogar's ("Stacey") counsel, Mary K. Peeples ("Peeples"), served Respondent with discovery requests. Bogar's responses to discovery were due on September 9, 2005. Respondent received the discovery requests, but did not inform Bogar about them and did not serve a response to Stacey's discovery on Bogar's behalf.

12. On September 9, 2005, Respondent wrote a letter to Peeples in which she asked for an extension to respond to Stacey's discovery requests.

13. On September 22, 2005, Peeples wrote a letter to Respondent in which she granted Bogar an extension to respond to Stacey's discovery requests until October 3, 2005. Respondent received the letter.

14. On October 7, 2005, Respondent sent Peeples a facsimile in which she informed Peeples that Bogar would respond to the discovery by October 21, 2005. On October 9, 2005, Respondent and Bogar met and prepared Bogar's discovery responses. However, Respondent did not serve Bogar's discovery responses.

15. On October 26, 2005, Stacey filed a motion to compel Bogar's discovery responses and to have sanctions imposed on Bogar and Respondent for their failure to comply with Stacey's discovery requests ("the motion to compel"). Peeples served Respondent with the motion to compel. Respondent received the motion to compel, but did not respond to it. Respondent did not inform Bogar about the motion to compel.

16. On November 28, 2005, Stacey's motion to compel was argued before the court. Respondent did not appear. The court granted the motion to compel and ordered Bogar to provide Stacey with his discovery responses within 10 days of the date of the hearing. In addition, the court ordered Bogar to pay Peeples attorney's fees in the amount of \$1,236 by December 28, 2005.

17. On November 28, 2005, Peeples served Respondent with a copy of the court's November 28, 2005, order regarding the discovery and sanctions. Respondent received the order. Respondent did not inform Bogar about the court's order and did not serve Bogar's discovery responses within 10 days of November 28, 2005. Respondent did not seek relief from the sanction order. The sanctions were not paid by December 28, 2005.

18. On January 6, 2006, Stacey filed an Order to Show Cause re Contempt ("OSC") against Bogar in which she sought to have Bogar's response to the petition for dissolution stricken and to have sanctions imposed on him for his failure to respond to discovery, among other issues. Peeples served Respondent and Bogar with a copy of the OSC.

19. In early to mid-January 2006, Bogar received Stacey's OSC. At or about that time, Bogar went to the courthouse to review the court file in his dissolution and discovered for the first time that Respondent had not served his discovery responses, that Stacey had successfully moved to compel his discovery responses, and that sanctions had been imposed on him regarding his failure to comply with her discovery requests.

20. On January 25, 2006, Bogar mailed a letter to Respondent in which he terminated her services and requested that Respondent return \$2,400 of the fees advanced to her.

21. To date, Respondent has not refunded Bogar the portion of advanced fees paid by Bogar that she did not earn.

CONCLUSIONS OF LAW

22. By failing to respond to discovery on behalf of Bogar, by failing to respond to the motion to compel his discovery requests, by failing to appear at the hearing on the motion to compel Bogar's discovery responses, and by failing to seek relief from the November 28, 2005, order, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of rule 3-110(A), Rules of Professional Conduct.

23. By failing to promptly refund, upon termination of employment, the portion of advanced fees paid by Bogar that she did not earn, Respondent failed to refund unearned fees to her client, in wilful violation of rule 3-700(D)(2), Rules of Professional Conduct.

Case Nos. 06-O-14274; 06-O-14275; 06-O-14276

FACTS

24. From January 2006 to February 21, 2006, Respondent maintained a client trust account at Union Bank of California, designated as account number 7360022549 ("CTA").

25. Between January 17, 2006 and February 2006, Respondent's grossly negligent handling of her CTA made it possible for her roommate to issue electronic checks drawn upon Respondent's CTA to pay for expenses non-related to any client matters, as follows:

<u>Date:</u>	<u>Payee:</u>	<u>Check Amount:</u>
1/17/06	BillMatrix (Billing Service)	\$ 1.95
1/17/06	Direct TV	\$180.31
1/17/06	SDG&E (Utilities)	\$500.00
1/25/06	AOL Premium	\$ 59.90
2/02/06	AOL Premium	\$ 59.90
2/13/06	AOL High Speed Internet	\$ 29.95
2/21/06	AOL High Speed Internet	\$ 29.95

CONCLUSIONS OF LAW

26. By making it possible for her roommate to repeatedly issue electronic checks from Respondent's CTA to pay for expenses non-related to any client matters, Respondent misused her Client Trust Account, in wilful violation of rule 4-100(A), Rules of Professional

Conduct.

RESTITUTION

Upon being admitted into ADP, Respondent will take the appropriate measures to initiate arbitration of the attorney fees in the Bogar matter. (Business and Professions Code § 6201)

Respondent agrees that the arbitrator's decision will be binding upon her and to pay to EDWIN TROY BOGAR the amount awarded by the arbitrator.

PENDING PROCEEDINGS.

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

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In the Matter of
Jacqueline Staten

Case number(s):
06-O-11559; 06-O-11880; 06-O-14274; 06-O-14275; 06-O-14276

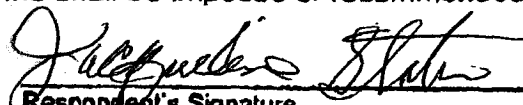
SIGNATURE OF THE PARTIES

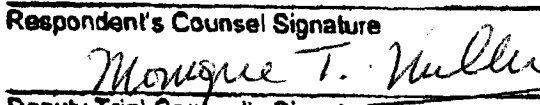
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

Date		Jacqueline Staten
	Respondent's Signature	Print Name

Date		Monique T. Miller
April 22, 2008	Deputy Trial Counsel's Signature	Print Name

(Stipulation form approved by SBC Executive Committee 9/18/02. Revised 12/16/2004; 12/13/2006.)

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In the Matter Of Jacqueline Staten	Case Number(s): 06-O-11559; 06-O-11880; 06-O-14274; 06-O-14275; 06-O-14276
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

090407
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 September 16, 2009, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING DOCUMENTS
STIPULATION RE FACTS AND CONCLUSIONS OF LAW (06-O-11559)
STIPULATION RE FACTS AND CONCLUSIONS OF LAW (06-C-11615)

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:

JACQUELINE STATEN
LAW OFC JACQUELINE STATEN
601 S MILLIKEN AVE STE K140
ONTARIO, CA 91761

JACQUELINE STATEN
19628 CAMPAIGN DR
CARSON, CA 90746

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

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 16, 2009.



Johnnie Lee Smith
Case Administrator
State Bar Court