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

<p>Counsel For The State Bar</p> <p><b>RIZAMARI C. SITTON</b> 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1364</p> <p>Bar # 138319</p>	<p>Case Number (s) <b>06-O-11565</b></p>	<p>(for Court's use)</p> <p align="center"><b>FILED</b> <b>DEC 11 2007</b> <i>src</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p align="center"><b>PUBLIC MATTER</b></p>
<p><b>MARY L. WYATT</b> 16055 Ventura Boulevard, #811 Encino, CA 91436 (818)995-3370</p> <p>Bar # 165804</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: <b>MARY L. WYATT</b></p> <p>Bar # 165804</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 **September 29, 1993**.
- (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 **15** 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:  
(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 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. **Respondent was hired in July 2004, to dissolve a client's marriage. Respondent's misconduct resulted in significant delays; to date, the client's marriage is not dissolved.**
- (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. **Respondent was not forthright with her client about her inability to progress her case along, and Respondent did not comply with the State Bar investigator's reasonable requests for information.**
- (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.**

- (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 **one year**.

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.

- (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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" 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: .
- (2) ☐ **Other Conditions:**

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Attachment language (if any):

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In the Matter of

Case number(s):  
**06-O-11565**

A Member of the State Bar

## Financial Conditions

### a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Cecilia Ganzzino	\$2,700.00	June 14, 2007

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **thirty (30) days from the effective date of discipline**.

### b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

### c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
    1. the name of such client;
    2. the date, amount and source of all funds received on behalf of such client;
    3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
    4. the current balance for such client.
  - ii. a written journal for each client trust fund account that sets forth:
    1. the name of such account;
    2. the date, amount and client affected by each debit and credit; and,
    3. the current balance in such account.
  - iii. all bank statements and cancelled checks for each client trust account; and,
  - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- ☐ Within one (1) 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 Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.



ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:        MARY L. WYATT

CASE NUMBER:            06-O-11565

**FACTS**

1.        On July 12, 2004, Cecilia Ganzzino ("Ganzzino") hired Respondent to initiate and handle to conclusion her marital dissolution proceedings. Respondent agreed to provide all legal services relating to the dissolution proceedings, including matters involving "child support, spousal support and the division of community property and debts as well as the characterization of either party's separate property."
2.        On July 12, 2004, Ganzzino paid Respondent approximately \$2700 as advanced attorney's fees. Ganzzino also advanced to Respondent an additional \$297.50, for filing fees.
3.        On July 14, 2004, Respondent filed a petition for marital dissolution on behalf of Ganzzino, initiating Ganzzino's marital dissolution proceedings entitled, *Ganzzino vs. Ganzzino*, Case no. BD410260, in the Los Angeles County Superior Court.
4.        On July 26, 2004, Respondent attempted to serve, by mail, a copy of Ganzzino's petition for dissolution on the opposing party, requesting an acknowledgment of receipt. Respondent never received an acknowledgment of receipt from the opposing party. Respondent did not inform Ganzzino that there was no acknowledgment of receipt, or that the attempt to serve by mail was unsuccessful.
5.        On February 28, 2005, Respondent made a second attempt to serve, by mail, a copy of Ganzzino's petition for dissolution on the opposing party, requesting an acknowledgment of receipt. Respondent never received an acknowledgment of receipt from the opposing party. Respondent did not inform Ganzzino that there was no acknowledgment of receipt, or that the second attempt to serve by mail was unsuccessful.
6.        However, sometime after July 26, 2004, and again sometime after February 28, 2005, Respondent did have a conversation with Ganzzino's son, Charles Ganzzino ("son") about her inability to find the whereabouts of the opposing party. They discussed the possibility that the son or Ganzzino may be able to provide additional information that would help locate and serve the opposing party. Ganzzino's son and Ganzzino were not able to provide Respondent with such additional information.

7. On November 18, 2005, Respondent filed or caused to be filed with the court a notice of her unavailability from November 16, 2005, through December 7, 2005. Respondent did not inform Ganzzino that she had filed a notice of unavailability with the court. Respondent did not inform Ganzzino that she would be unavailable to attend to her legal matter during that time period.
8. In January 2006, Respondent conducted a search for the current whereabouts of the opposing party as an exercise of due diligence in process of service. Respondent obtained several possible addresses for the opposing party.
9. Between February 2005, and February 13, 2006, Respondent did not inform Ganzzino that she was searching for the opposing party, and she did not inform Ganzzino that she had obtained several possible addresses for him.
10. Between February 2005, and February 13, 2006, Respondent did not communicate with Ganzzino in any way.
11. At no time prior to February 13, 2006, did Respondent inform Ganzzino that she had been unable to serve the petition upon the opposing party, or that she was having difficult serving the petition.
12. On February 13, 2006, Ganzzino sent Respondent a letter inquiring about the status of her case, and requesting her client files. Respondent received the letter. Respondent did not respond to the letter, she did not provide Ganzzino with any information about the status of her case, and she did not release the client files to Ganzzino.
13. On March 14, 2006, Respondent filed with the court a notice of her unavailability from March 30, 2006, through April 14, 2006; and from May 16, 2006, through May 31, 2006. Respondent did not inform Ganzzino that she had filed the notice of unavailability. Respondent did not inform Ganzzino that she would be unavailable to attend to her legal matter during those time periods.
14. On March 23, 2006, Respondent made attempts to serve, by certified mail, a copy of Ganzzino's petition for dissolution on the opposing party, at about four of the alternate addresses she had obtained for the opposing party.
15. On March 23, 2006, Respondent met with Ganzzino and her son. Respondent told them that she had been sick and hospitalized. Ganzzino asked Respondent to finish her divorce, and Respondent assured Ganzzino that the divorce proceedings would be completed by the end of 2006.

16. On May 26, 2006, Respondent telephoned Ganzzino and her son, and left a message informing them that she is preparing to serve the divorce petition on the opposing party by publication.
17. On June 16, 2006, Respondent conducted another search for a valid address or current whereabouts of the opposing party as an exercise of due diligence in process of service.
18. On January 24, 2007, Respondent attempted to file an Application for Publication ("Application") in Ganzzino's dissolution proceedings, along with supporting documentation. Respondent had not signed the Application.
19. On January 25, 2007, the court clerk rejected the filing of the Application for several reasons, including that the Respondent's declaration was not signed, and that evidence and information supporting the declaration were missing. The court issued and served a notice of its rejection to Respondent on or about January 25, 2007.
20. On February 6, 2007, Respondent informed Ganzzino, by sending an e-mail to Charles Ganzzino, about the court clerk's rejection of the Application.
21. Later, in February 2007, Respondent attempted to file a second application for publication ("second application").
22. On March 26, 2007, Respondent informed Ganzzino, through her son, that she was still awaiting a signed court order for service by publication.
23. In June 2007, the court clerk rejected the filing of second application.
24. On June 14, 2007, Respondent informed Ganzzino, through her son, that the court clerk rejected the second application. Respondent also said that she expected to re-file the application.
25. To date, Respondent had not filed any substantive pleadings in court since July 14, 2004. The only pleadings that Respondent successfully filed in Ganzzino's dissolution proceedings since July 14, 2004, are the two notices of Respondent's unavailability.
26. Respondent has not performed any services in Ganzzino's dissolution proceedings since approximately February 2007.
27. Respondent did not earn all of the \$2,700, attorney's fees advanced by Ganzzino.

28. In April 2007, Ganzzino asked Respondent for a refund of unearned attorney's fees. To date, Respondent has not refunded any portion of the unearned fees.
29. By not performing any services in Ganzzino's dissolution proceedings since approximately February 2007, notwithstanding her assertion on June 14, 2007, that she would re-file the application, Respondent effectively withdrew from employment as Ganzzino's attorney.
30. Respondent did not inform Ganzzino that she was withdrawing from employment as her attorney.
31. To date, Respondent has not substituted out as attorney-of-record for Ganzzino in her dissolution proceedings.
32. On March 8, 2006, the State Bar opened an investigation, case no. 06-O-11565, pursuant to a complaint filed by Cecilia Ganzzino ("Ganzzino matter").
33. On May 16, 2006, a State Bar investigator sent a letter to Respondent informing her of the allegations against her in the Ganzzino matter, requesting a written response to the allegations by May 30, 2006, and requesting information relating to the investigation. Respondent received the letter.
34. The investigator's requests for a response or for information did not require Respondent to waive any of her constitutional or statutory privileges. The investigator's requests for a response or for information did not require Respondent to comply within an unreasonable period of time.
35. Between May 16, 2006, and August 14, 2006, Respondent was given two extensions of time to respond to the investigator's letter or to otherwise comply with the requests for information, up to August 14, 2006.
36. On August 3, 2006, the State Bar investigator sent a letter to Respondent reminding her that her response to the May 16, 2006, letter, was due August 14, 2006.
37. Respondent did not respond to the investigator's letters by the extended due date, and she did otherwise comply with the investigator's requests for information.

ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:       MARY L. WYATT

CASE NUMBER:           06-O-1156

**LEGAL CONCLUSIONS**

1. By not informing Ganzzino after February 2005, through until March 23, 2006, that her searches for the opposing party, and attempts at service, continued to be unsuccessful; and by not otherwise communicating with Ganzzino after February 2005 through until March 23, 2006, Respondent failed to keep a client reasonably informed of significant developments in a matter in which she had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).
2. By effectively withdrawing from employment in February 2007, as Ganzzino's attorney without substituting out of the dissolution proceedings or without informing Ganzzino of her withdrawal, Respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to his client, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).
3. By not providing a response to the State Bar Investigator's letters, by not providing a response to the allegations in the Ganzzino investigation matter, despite an extension of time to respond; by not complying with the investigator's proper requests for information, and by not otherwise cooperating or participating in the investigation of the Ganzzino matter, Respondent failed to cooperate and participate in a disciplinary investigation, in willful violation of Business and Professions Code section 6068(i).

ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:       MARY L. WYATT

CASE NUMBER:           06-O-1156

**ADDITIONAL SURROUNDING CIRCUMSTANCES**

1.       In August 2005, Respondent was admitted into the hospital for two nights through the emergency room with a herniated disk in her lower back. Respondent was treated with bed rest for approximately four weeks and outpatient surgery on September 2, 2005 with instructions to return to work gradually and certain other restrictions.
2.       In October 2006, Respondent was notified that her mother was diagnosed with terminal cancer. Respondent's mother lived in the State of Iowa. Respondent flew to Iowa on several occasions for extended periods as follows: November 6 through November 28, 2006; February 12 through March 5, 2007; May 2 through May 26, 2007. Respondent provided assistance in her mother's care and in finalizing her mother's personal affairs. Respondent made herself available by telephone to her clients during these difficult periods of time. Respondent's mother passed away on May 5, 2007.
3.       Respondent has been under the care of her doctor for stress and grief related issues since October 2006. Although Respondent's symptoms are expected to resolve as a period of grief passes, she continues in treatment at this time.

ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:       MARY L. WYATT

CASE NUMBER:           06-O-11565

**SUPPORTING AUTHORITY**

Culpability

Rule prohibiting prejudicial withdrawal from representation may reasonably be construed to apply when attorney ceases to provide services, even in absence of intent to withdraw as counsel. *In the Matter of Burckhardt* (Review Dept. 1991) 1 Cal.State Bar Ct. Rptr. 343; see, also, *In the Matter of Miller* (Review Dept. 1990) 1 Cal.State Bar Ct. Rptr. 131.

Attorney's failure to communicate with a client may also constitute incompetent legal practice or abandonment of the client when facts demonstrate that attorney's failure to communicate resulted in the effective cessation of work on client's cause of action, foreclosed client from choices regarding her cause of action, or indicated a withdrawal from employment. *In the Matter of Hindin* (Review Dept. 1997) 3 Cal.State Bar Ct. Rptr. 657.

Level of Discipline

Culpability of a member of a violation of [section 6068] of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3. *Standard 2.6, Standards for Attorney Sanctions for Professional Conduct, Rules of Procedure of the State Bar of California.*

Culpability of a member of a willful violation of [rule 3-700(A) of the] Rule[s] of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim. *Standard 2.10, Standards for Attorney Sanctions for Professional Conduct, Rules of Procedure of the State Bar of California.*

In matters involving abandonment of a single client by an attorney with no prior record of discipline, the Supreme Court has imposed discipline ranging from no actual suspension to 90 days of actual suspension. Where respondent's misconduct is serious, harmed client, and included trust account violation as well as abandonment and failure to communicate, but respondent presented impressive mitigating evidence, review department recommended actual suspension of 30 days, with stayed suspension of six

ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:       MARY L. WYATT

CASE NUMBER:           06-O-11565

**SUPPORTING AUTHORITY**  
**(continued)**

months and one year of probation. *In the Matter of Nunez* (Review Dept. 1992) 2 Cal.State Bar Ct. Rptr. 196.

Respondent was suspended from the practice of law for one year, the execution of which was stayed, and respondent was placed on probation for two years, subject to certain conditions, after the court found that in one client matter, he failed to perform services he agreed to perform, and instead withdrew from employment in a way prejudicial to his client's interests, and effectively abandoning the client's matter. *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32.



ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:      MARY L. WYATT

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**PENDING PROCEEDINGS**


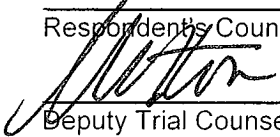
The disclosure date referred to, on page one, paragraph A.(7), was October 1, 2007, and November 2, 2007.

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In the Matter of MARY L. WYATT	Case number(s): 06-O-11565
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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>10/31/07</u> Date	<u></u> Respondent's Signature	<u>MARY L. WYATT</u> Print Name
<u>11/5/07</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>N/A</u> Print Name
		<u>RIZAMARI C. SITTON</u> Print Name

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In the Matter Of <b>MARY L. WYATT</b>	Case Number(s): <b>06-O-11565</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.

**Approved with the following modifications:**

- On page 1, paragraph A.(3), "15" should be "18".
- On page 2, paragraph B.(6), lack of cooperation should not be an aggravating circumstances as it is inherent in the violation of §6068(i).
- Mitigating credit is given to respondent for her lack of any prior record of discipline.
- On page 10, paragraph 11, line 3, "difficult" should be "difficulty".
- On page 12, paragraph 37, line 2, "not" should be inserted between "she" and "did".
- In the caption on pages 13 and 14, "06-O-1156" should be "06-O-11565".
- On page 13, paragraph 2, line 4, "his" should be "her".
- There is a violation of rule 3-700(D)(2) in this matter.

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.)**

12/11/07  
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 December 11, 2007, 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:

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

**MARY L. WYATT  
WYATT & ASSOCIATES  
16055 VENTURA BLVD #811  
ENCINO, CA 91436**

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

**RIZAMARI C. SITTON, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **December 11, 2007**.



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