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State Bar Court of California
Hearing Department
San Francisco

Counsel For The State Bar Manuel Jimenez Office of the Chief Trial Counsel State Bar of California 180 Howard Street San Francisco, CA 94105	Case Number (s) 06-O-12724 [06-O-12944, 06-O-13168, 06-O-14622]	(for Court's use) PUBLIC MATTER FILED <i>[Signature]</i> DEC 20 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	
Bar # 218234 In Pro Per Respondent Angela L. Oliver 1520 West Meadow Avenue Visalia, CA 93277	Submitted to: Assigned Judge		
Bar # 195055 In the Matter Of: Angela L. Oliver			STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING
Bar # 195055 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 **May 28, 1998**.
- (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 **16** 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):
- ☒ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - ☐ costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - ☐ costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **Significant harm to a client, the public, or the administration of justice is an aggravating circumstance. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b)(iv).) Respondent's conduct caused Taylor Mills to lose her action against the City of Fresno, in a matter which the defendants had already offered \$10,001 for the claim. Respondent's misconduct resulted in a warrant for arrest being issued against Keegan States, which then required him to hire new counsel for the matter. In addition the clients' matters were not timely handled nor did they receive prompt refund of the money advanced for fees.**
- (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. **Multiple acts of wrongdoing are an aggravating circumstance.** (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b)(ii).) The respondent misconduct involved four client matters.
- (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. **Minimal weight is given to respondent's lack of a disciplinary record. Respondent was admitted May 28, 1998. Respondent's culpable conduct began in late 2004 or early 2005, which would give her at most seven years of discipline free practice. Six or seven years of discipline-free practice is not a mitigating circumstance. (See e.g., In the Matter of Greenwood (Review Dept. 1993) 3 Cal. State Bar Ct. Rptr. 831 [six years' discipline-free practice not a mitigating circumstance]; see also In re Naney (1990) 51 Cal.3d 186 [seven years' discipline-free practice not a strong mitigating factor.]**) Moreover the conduct in this matter is 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. **During the time of the misconduct, respondent was repeatedly the victim of criminal conduct, including acts of violence. Furthermore, respondent suffered emotional distress at the loss of her sister, and the collapse of a personal relationship.**
- (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 **three 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: **Pays court ordered sanctions of \$1,000.00 in the case of People v. Jodie Moore, case no. VCF 14845, County of Tulare, and, pays court ordered sanctions of \$222 in the case of Taylor Mills v. City of Fresno, case no. 04 CG 03033 NWS, Count of Fresno.**
- (b) ☐ The above-referenced suspension is stayed.
- (2) ☒ **Probation:**
- Respondent must be placed on probation for a period of **three years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) ☒ **Actual Suspension:**
- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California 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: **Pays court ordered sanctions of \$1,000.00 in the case of People v. Jodie Moore, case no. VCF 14845, County of Tulare, and, pays court**

ordered sanctions of \$222 in the case of Taylor Mills v. City of Fresno, case no. 04 CG 03033 NWS, Count of Fresno.

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.
- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:

- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

Attachment language begins here (if any):

I. MISCONDUCT

Case no. 06-O-12724 (Mills Matter)

Statement of Facts

On November 5, 2003, Taylor Mills employed respondent to obtain compensation from the City of Fresno, for injuries suffered in an automobile accident. On October 20, 2004, respondent filed a lawsuit on Mills' behalf entitled *Taylor Mills v. City of Fresno and Fresno Police Department*, case number 04 CE CG 03033 MWS. Fresno County Superior Court.

Respondent did not respond to numerous letters and telephone messages left by opposing counsel throughout the pendency of the case, seeking to discuss discovery requests. Respondent received the letters and messages, but did not respond.

Respondent failed to timely respond to defense interrogatories and requests for admissions; failed to obtain any extensions of time to respond; and failed to communicate with her client concerning those discovery requests.

Respondent failed to file a response to the City of Fresno's motion, filed April 15, 2005, to compel discovery and to have requests for admissions deemed admitted.

On or about June 21, 2005, respondent provided defective responses to the discovery requests. The responses were defective because, (1) they were improperly served by facsimile transmission, (2) the documents were also sent by mail, but to an insufficient address and thus not received by opposing counsel, and (3) the discovery responses were not verified.

On June 22, 2005, the Court issued a tentative ruling, stating an intention to grant the motion to compel sanctions and to compel discovery. The tentative ruling stated that the matters set forth in defendant's requests for admission would be deemed admitted unless the plaintiff served a response in substantial conformity with Code of Civil Procedure section 2033(f) and made that response prior to the scheduled June 23, 2005 hearing on the motion. The tentative ruling further stated that, upon its finality, "plaintiff" would be ordered to (1) pay \$222 in sanctions within thirty days after notice of the ruling and (2) file verified responses to the interrogatories within ten days after notice of the ruling.

Respondent learned about the June 22, 2005 tentative ruling within a few hours of its issuance, but failed to take any further steps to serve appropriate responses to the requests for admissions.

Respondent did not appear at the June 23, 2005 hearing on the motion, but instead sent another attorney, Shannon Chaffin, to represent Mills. The Court allowed oral argument even though respondent did not follow applicable court procedures to secure the right to conduct oral argument. Specifically, respondent did not notify opposing counsel of her intention to argue the matter. At the conclusion of the hearing, the Court ruled that the tentative ruling would become the final order. Respondent received the notice of order shortly thereafter; and the order remained in full force and effect at all times thereafter.

Thereafter, respondent failed to pay the sanctions (or arrange for Mills to pay them), failed to submit further responses to the interrogatories, failed to communicate with Mills concerning the discovery requests, failed to communicate with Mills concerning the sanctions, and failed to communicate with Mills concerning the June 23 court order. Respondent received, but ignored a July 12, 2005, letter from defense counsel warning respondent that a motion for terminating sanctions would be filed if the discovery sanctions were not received by July 15, 2005.

On July 22, 2005, defense counsel filed a motion for terminating sanctions. Although the motion was subsequently denied, it was based in part upon respondent's failure to comply with the June 23, 2005 court order. In her responsive pleading, respondent frivolously argued that she was not required to obey the Superior Court's June 23, 2005 order because she had not yet had a meet and confer session with opposing counsel.

On July 29, 2005, defense counsel filed a motion for summary judgment/summary adjudication. Respondent received the motion, but failed to file a timely response. The motion for summary judgment was first heard on October 26, 2005. At that time, respondent received permission to file an opposition no later than October 27, 2005. Respondent actually filed her opposition on October 28, 2005.

On or about November 3, 2005, the Court issued orders granting summary judgment and dismissing the case. The Court based its ruling upon the matters that had been deemed admitted pursuant to the June 23, 2005 court order. Respondent's failure to serve proper answers to the requests for admissions caused significant prejudice to Mill's case. The requests asked Mills to admit, inter alia, that the defendant had not been negligent and that Mills had suffered no injuries. Thus, when the matters contained in the requests for admissions were deemed admitted, the defendant was provided with a complete defense to the lawsuit. Mills had a good faith factual basis for denying the requests for admissions, and thus respondent's malfeasance caused Mills to lose her opportunity for adjudication on the merits of her claims. Mills had a valuable claim against the City of Fresno. At one point, defense counsel had offered to settle the matter by paying Mills \$10,001.

Respondent performed no further services for Mills.

Conclusions of Law

Respondent, (1) willfully violated Business and Professions Code, section 6068(m), by failing to respond to reasonable status inquiries of a client and by failing to keep a client reasonably informed of significant developments in a matter in which the respondent had agreed to provide, and (2) intentionally violated the Rules of Professional Conduct, rule 3-110(A), by recklessly and repeatedly failing to perform legal services with competence, as follows:

1. failing to communicate with opposing counsel concerning discovery matters;
2. failing to respond to discovery requests and communicate with Mills concerning discovery requests;
3. failing to oppose the motion to compel discovery and impose sanctions;
4. failing to arrange for the service of appropriate responses to the requests for admission after learning about the deadline set forth in the June 22, 2005 tentative ruling;
5. failing to follow court procedures to schedule oral argument on the motion to compel discovery;
6. failing to make arrangements for the sanctions to be paid
7. making frivolous legal arguments; and
8. failing to timely respond to the summary judgment motion.

**Case no. 06-O-12944
(States Matter)**

Statement of Facts

Criminal Matter

On June 1, 2005, respondent was employed to represent Keegan States in a misdemeanor criminal matter (case no. 05CM2360, Kings County Superior Court). Respondent did not provide the client with a written fee agreement. On June 1, 2005, respondent received \$1,500 from Keegan States' parents as an advanced attorney fee to provide representation in that criminal matter.

The arrangements were by telephone because Keegan States' parents lived in New York. Keegan States wished to move to New York. Respondent advised Keegan States that he could move to New York, and that respondent would handle the criminal matter in his absence. Sometime near August 23, 2005, Keegan States moved to New York to live with his parents and thus did not appear at the next five hearings in the matter.

Respondent made a general appearance in the case on June 20, 2005, and was never relieved as counsel. Respondent arranged for another attorney to make special appearances for the client on the next four scheduled hearing dates, specifically on July 13, 2005, July 27, 2005, August 10, 2005, and August 17, 2005. At the August 17, 2005 court hearing, the matter was scheduled for a pretrial conference to occur on September 13, 2005. Respondent knew about the September 13, 2005 court date shortly after it was scheduled. Respondent failed to appear at the September 13, 2005 court date, and she did not arrange for another attorney to do so. Therefore, the Court issued a bench warrant for Keegan States' arrest (with execution stayed until September 20, 2005) and ordered Keegan States to appear in court on September 20, 2005.

On September 13, 2005, respondent learned of the bench warrant and the scheduled court date. Respondent failed to appear at the September 20, 2005 court date, and she did not arrange for another attorney to do so. A bench warrant was issued for Keegan States' arrest. Thereafter, respondent performed no further services for Keegan States on the criminal matter.

In July 2006, Keegan States learned about the bench warrant and employed a new attorney to handle the matter. On July 11, 2006 Keegan States returned to California, appeared in court with his new attorney, and resolved the matter with a guilty plea.

Dissolution/Child Custody Matter

On June 15, 2005, respondent was employed to represent Keegan States in a marital dissolution/child custody matter. Respondent did not provide the client with a written fee agreement. On June 15, 2005, Keegan States' parents paid respondent \$3,000 in advanced attorney fees for representation in the marital dissolution/child custody matter. The arrangements were by telephone as the parents lived in New York.

On August 23, 2005, respondent filed the marital dissolution Keegan States v. Veronica States, case no. 05FL0584, Kings County Superior Court. Thereafter, respondent performed no further services for Keegan States in the dissolution/custody matter.

Sometime near August 23, 2005, Keegan States moved to New York to live with his parents. In January 2006, Keegan States returned to California, picked up the young child of the marriage, and returned to New York with the child. The mother had agreed to let Keegan States take the child to New York. However, there was a disagreement concerning when and if Keegan States was to return the child to California.

Thereafter, respondent abandoned her law office, failed to notify Keegan States of another address at which she could be reached, and failed to make herself available to be reached by telephone. Specifically, respondent failed and refused to accept calls, failed and refused to respond to pages, and frequently allowed

her voicemail mailbox to remain full so that voice mail messages could not be left for her. Her conduct, coupled with her failure to perform further legal services for Keegan States, constituted a withdrawal from employment. Moreover, upon withdrawal, respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to her client.

On one occasion in early March 2006, respondent inadvertently answered the telephone when receiving a call from the States family. Respondent apologized, gave various excuses for her failure to complete the legal matters, and promised to work on the matters. However, respondent performed no further services. After the March 2006, telephone call, respondent never again communicated with Keegan States or his parents.

Between January 2006 and April 2006, Keegan States and his parents (acting pursuant to Keegan States' knowledge and consent) made repeated attempts to contact respondent by telephone. Respondent failed to make herself available by telephone. Respondent failed and refused to accept calls, failed and refused to respond to pages and frequently allowed her voicemail mailbox to remain full so that messages could not be left. On the occasions in which the Stateses were able to leave voicemail messages, they asked respondent to contact them. Respondent received the messages but did not respond.

On March 17, 2006, opposing counsel attempted to notify respondent that she would seek ex parte relief on March 21, 2006. However, when opposing counsel's secretary tried to reach respondent by telephone, she found that (1) respondent did not answer, (2) respondent's voicemail message stated that her mail box was full, and (3) respondent did not respond to a page. The secretary's declaration states that she left a telephonic message for Keegan States in New York, but Keegan States contends that he did not receive notice of the ex parte hearing.

On March 21, 2006, the Court conducted an ex parte hearing. No appearance was made on behalf of Keegan States, and the Court granted temporary child custody to the mother of the child, Veronica States.

On March 29, 2006, the opposing party caused notice of the temporary custody order to be served upon Keegan States in New York. Keegan States thereupon employed a new attorney, who appeared on behalf of Keegan States at the next scheduled hearing (April 6, 2006) and took over the representation.

Conclusions of Law

Respondent intentionally failed to perform legal services with competence thereby violating Rules of Professional Conduct, rule 3-110(A), when she: (1) failed to appear at the September 13, 2005 court date and did not arrange for another attorney to appear, which resulted in an arrest warrant for her client; and (2) failed to provide any further service to her client after she failed to appear on September 13, 2005.

Respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to her client when she withdrew from employment and thereby willfully violated Rules of Professional Conduct, rule 3-700(A)(2) when she: (1) ceased working on the marital dissolution/child custody matter after she filed the matter on August 23, 2005; (2) in the March 2006 telephone call failed to inform the Stateses that she had ceased working on the matter and had in essence withdrawn; and (3) abandoned her law office without notifying Keegan States that she had ceased working on the matter, without providing another address at which she could be reached and without making herself available by telephone.

Respondent willfully failed to respond promptly to reasonable status inquiries of her client and failed to keep her client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services thereby violating Business and Professions code section 6068(m), when she: (1) made herself unavailable by telephone by not answering the phone, not allowing messages to be left and not responding to pages; (2) failed to notify Keegan States that she had ceased to provide legal

representation in the legal matters she was representing him in; (3) failed to notify Keegan States when she abandoned her law office; and (4) failed to notify Keegan States that the bench warrant had issued.

Respondent willfully accepted compensation from someone other than client, i.e., the \$1500 and \$3000 payments from the parents of Keegan States, without obtaining the informed written consent of the client to the payments, thereby violating Rules of Professional Conduct, rule 3-310(F).

Respondent when she constructively terminated her representation of Keegan States in the criminal matter and marital dissolution/child custody matter, willfully failed to refund promptly any part of the \$1500 and \$3000 fees respectively, neither of which she had earned in the entirety, thereby violating Rules of Professional Conduct, rule 3-700(D)(2).

**Case no. 06-O-13168
(Lizarraga Matter)**

Statement of Facts

On February 16, 2006, Cecilia Lizarraga ("Lizaragga") employed respondent to negotiate better terms for a real estate transaction in which Lizaragga was involved. On February 16, 2006, Lizarraga paid respondent \$2000 as an advance attorney fee for these services. Thereafter, respondent performed no services for Lizarraga.

After February 16, 2006, Lizarraga made at least thirty attempts to contact respondent by telephone. Lizarraga left messages for respondent requesting a return call, which messages respondent received, but respondent did not respond. In April 2006, respondent's telephone became disconnected and respondent did not notify Lizarraga of a new telephone number or other means by which respondent could be contacted.

On April 11, 2006, Lizarraga visited the office address at which she had met respondent. The office was operated by independent paralegals, one of whom is respondent's sister. The paralegals were not affiliated with respondent, except that they had previously allowed respondent to meet with clients at their offices. One of the paralegals thereupon assisted Lizarraga and resolved her matter.

Respondent's employment by Lizarraga effectively terminated when she failed to perform any services, failed to respond to Lizarraga's telephone calls, and failed to make herself available to receive telephone calls or other communications. Respondent's employment by Lizarraga formally terminated when she resolved the matter through the paralegal services. Respondent never earned any significant portion of the \$2000 advanced attorney fee. Respondent has never made any refund of the advanced attorney fee to Lizarraga.

Respondent intentionally failed to perform legal services with competence thereby violating Rules of Professional Conduct, rule 3-110(A), when she failed to perform any legal service at all from February 16, 2006 through April 11, 2006, on the real estate transaction for Lizarraga.

Conclusions of Law

Respondent willfully failed to refund promptly any part of the unearned \$2000 advanced fee, thereby violating Rules of Professional Conduct, rule 3-700(D)(2).

**Case no. 06-O-14622
(Moore Matter)**

On or about June 15, 2005, respondent appeared as counsel of record for the defendant in the matter of People v. Jodie Randall Moore, case no. VCF146845, filed in the Superior Court, County of Tulare.

Respondent again appeared for Moore on June 20, 2005 and again on July 15, 2005.

On July 15, 2005, the matter was continued to both August 19, 2005 and August 22, 2005 at eight thirty a.m. in Dept. 2 for the preliminary hearing. Respondent was present in court when the August dates were set and received notice of the dates.

On August 19, 2005, respondent failed to appear in the Moore matter as scheduled. The matter was continued to August 22, 2005 at eight thirty a.m.

On August 22, 2005, respondent again failed to appear in the Moore matter as scheduled. Respondent had called the court that morning and requested a continuance. The matter was rescheduled to August 26, 2005.

On August 26, 2005 Larry Lee appeared on behalf of respondent. The Court confirmed the preliminary hearing for August 29, 2005.

On August 29, 2005, respondent appeared for the preliminary hearing. Moore was held to answer on the charges and a felony arraignment was scheduled for September 15, 2006 at eight thirty a.m. in Dept 4.

On November 30, 2005, Moore ultimately pled to felony charges.

On March 28, 2006, Moore was sentenced. Respondent was present and appeared on behalf of Moore. The Court scheduled a restitution hearing for May 16, 2006 at eight-thirty a.m. in Dept. 4. Respondent was present and received notice of the May 16, 2006 court date.

On May 16, 2006, respondent failed to appear. The Court set the matter for May 17, 2006 at eight - thirty a.m. for further proceedings and contempt of court issues as to respondent.

On May 17, 2006, the Court set an Order to Show Cause for Contempt against respondent for May 30, 2006, at eight-thirty a.m. in Dept. 4.

The Deputy Clerk sent respondent notice of the contempt proceedings, by way of letter dated May 19, 2006, sent to respondent by United States Mail, postage prepaid, to respondent at 1520 W. Meadow Ave, Visalia, California 93277. Respondent received this notice and was aware of its contents.

On May 30, 2006, respondent appeared. The Court withdrew the contempt. The Court reset the matter for June 20, 2006 at eight thirty a.m. in Dept. 4 for a restitution hearing. Respondent was present in court and received notice of the hearing.

On June 20, 2006, respondent failed to appear at the scheduled restitution hearing. She did send a fax to the court indicating that she was ill and requesting a continuance to July 13, 2006. The matter was re-calendared to July 13, 2006 at eight thirty a.m. in Dept. 4 for a restitution hearing.

On July 13, 2006, the Court set the matter for further hearing on August 17, 2006 at eight-thirty a.m. in Dept. 4 for the restitution hearing. Respondent was present in court on July 13, 2006 and received notice of the August 17, 2006 appearance date.

On August 17, 2006, respondent failed to appear. The Court reset the matter to September 6, 2006 at eight thirty a.m. in Dept. 4 for an Order to Show Cause.

On August 18, 2006, the Court issued a Statement of Facts in Re Contempt of Angela Oliver . The Court indicated that respondent had failed to appear on May 16, 2006 and had failed to appear in a timely fashion on one other occasion. In addition, respondent had failed to appear on two other occasions, in which the Court accepted her statements that she was ill. The Court also issued an Order to Show Cause in Re Contempt, ordering respondent to appear in Dept. 4 at eight thirty a.m. on August 29, 2006.

On August 22, 2006, the Court Clerk sent respondent the Order to Show Cause in Re Contempt to respondent at 1520 W. Meadow Ave, Visalia California 93277 by United states mail, postage prepaid. Respondent received the notice and was aware of its contents.

On August 23, 2006, Deputy Sheriff Rene Shields served resident in person with the Order to Show Cause In Re Contempt and the Statement of Facts In Re Contempt of Angela Oliver, at 30000 W. Hyde Street, Visalia, California 93291.

On August 30, 2006, the Court issued a Judgment of contempt against respondent for willfully and contemptuously failing to appear and represent Jodie Foster on August 17, 2006. The Court found that respondent had the ability to appear and that she contemptuously failed to notify the court that she would not be appearing. The Court imposed a judgment of \$1,000 sanction against respondent payable to the collections division of the Court no later than July 15, 2007.

On or about August 31, 2006, the Clerk of the court served respondent by United States Mail, postage prepaid, on respondent's counsel, Marianne Gilbert, 4125 West Noble Avenue, Suite 199, Visalia, California 93277. Respondent received the notice of Judgment and was aware of its contents. Respondent failed to pay the fine.

The State Bar received a referral for professional misconduct against respondent on or about October 20, 2006.

On or about November 9, 2006, State Bar Investigator Willis Shalita wrote to respondent via United States Mail, postage prepaid to her official membership records address, maintained by the State Bar pursuant to 6002.1 of the Business and Professions Code, regarding her conduct in the Moore matter. Investigator Shalita requested reply by November 17, 2006.

Respondent received the letter of November 9, 2006 and did not reply or otherwise respond to the State Bar investigation of her conduct in the Moore matter.

Respondent failed to report the \$1,000 sanction from the Tulare Court to the State Bar, within thirty days or at anytime thereafter.

On or about November 9, 2006, State Bar Investigator Willis Shalita wrote to respondent via United States Mail, postage prepaid to her official membership records address, maintained by the State Bar pursuant to 6002.1 of the Business and Professions Code, regarding her conduct in the Moore matter. Investigator Shalita requested reply by November 17, 2006.

Respondent received the letter of November 9, 2006 and did not reply or otherwise respond to the State Bar investigation of her conduct in the Moore matter.

Conclusions of Law

By failing to appear in court on August 19, 2005; March 15, 2006, and August 17, 2006, as she was ordered to do; and by failing to pay the \$1000 fine to the court on or before July 15, 2007, as she was ordered, respondent wilfully disobeyed or violated an order of the court requiring her to do an act connect with or in the course of her representation of Moore, which she ought to do, in wilful violation of Business and Professions Code, section 6103.

By failing to appear on August 19, 2005; March 15, 2006, and August 17, 2006; by showing up late on at least one occasion; and by making untimely, last minute requests for continuances on August 22, 2005 and June 20, 2006, respondent failed to maintain the respect due to the courts of justice and judicial officers, in wilful violation of Business and Professions Code, section 6068(b).

By failing to report the \$1,000 sanction from the Moore case to the State Bar, respondent wilfully violated Business and Professions Code, section 6068(o)(3).

By failing to respond to Investigator Shalita's letter of November 9, 2006, and by otherwise failing to respond to the State Bar investigation of her conduct in the Moore matter, respondent failed to cooperate and participate in a disciplinary investigation in wilful violation of Business and Professions Code, section 6068(i).

II. OTHER CONDITIONS

None.

III. PENDING PROCEEDINGS

As of December 6, 2007, there are no other pending investigations for which notification is required.

IV. COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 6, 2007, the estimated prosecution costs in this matter are approximately \$6,939.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in a final cost assessment. 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.

V. STATE BAR ETHICS SCHOOL

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

VI. AUTHORITIES IN SUPPORT OF DISCIPLINE

A. The Standards

Standard 2.4(b) [Failure to Perform]: "Culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member or willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

Standard 2.6 [Offenses Involving Other Specified Sections of the Business and Professions Code]: "Culpability of a member of a violation [of 6068 or of 6103] 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."

B. Case Law

The determination of discipline begins "by looking to the purpose of sanctions for attorney misconduct." (*In re Morse* (1995) 11 Cal.4th 184, 205.) "The primary purposes of disciplinary proceedings . . . are the protection of the public, the courts[,] and the legal profession; the maintenance of high professional standards by attorneys[;] and the preservation of public confidence in the legal profession." (Std. 1.3.)

The standards provide guidance and deserve "great weight." (*In re Morse, supra*, 11 Cal.4th at p. 205; *In re Naney* (1990) 51 Cal.3d 186, 190; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 933, fn. 5.) "[A]dherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct." (*In re Naney, supra*, 51 Cal.3d at p. 190; see also *In re Brown* (1995) 12 Cal.4th 205, 220.) The California Supreme Court accepts a disciplinary recommendation resulting from application of the standards unless it has "grave doubts" about the recommendation's propriety. (*In re Morse, supra*, 11 Cal.4th at p. 206; *In re Lamb* (1989) 49 Cal.3d 239, 245.)

Standard 2.4(b) states: "Culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client." In the instant matter, respondent's conduct demonstrates a pattern of being retained by clients, collecting advanced fees from clients and thereafter abandoning those clients. However, the conduct does not appear to satisfy the "pattern of misconduct" found in 2.4(a). Therefore suspension rather than disbarment is required.

Similar cases can indicate appropriate discipline. (*In re Morse, supra*, 11 Cal.4th at pp. 207-208; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.) *Bledsoe v. State Bar* (1991) 52 Cal.3d 1074 is instructive as to the level of discipline. In *Bledsoe*, which was a default matter, the attorney misconduct involved four clients. Bledsoe failed to perform services, failed to communicate, failed to refund legal fees, commingled and withdrew from employment improperly. Bledsoe had no prior record of discipline in 17 years of practice. Bledsoe received a two-year actual suspension and restitution was ordered. Of note is that the dissenting Justices would have ordered disbarment.

(Do not write above this line.)

In the Matter of
Angela Oliver


Case number(s):

06-O-12724 [06-O-12944, 06-O-13168, 06-O-14622]

SIGNATURE OF THE PARTIES

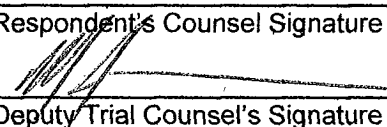
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

12/7/07
Date


Respondent's Signature

Angela Oliver
Print Name

Date
12/10/07
Date

Respondent's Counsel Signature

Deputy Trial Counsel's Signature

Print Name
Manuel Jimenez
Print Name

(Do not write above this line.)

In the Matter Of
Angela L. Oliver

Case Number(s):
06-O-12724 [06-O-12944; 06-O-13168; 06-O-14622]

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.

On page 4, D(1)(b) an "x" must be inserted in front of the box.

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.)**

Date

December 20, 2007

Jat McElroy
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 San Francisco, on December 20, 2007, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

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 San Francisco, California, addressed as follows:

**ANGELA L. OLIVER
1520 W MEADOW AVE
VISALIA, CA 93277**

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

MANUEL JIMENEZ, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **December 20, 2007.**



Bernadette C. O. Molina
Case Administrator
State Bar Court