

**ORIGINAL**

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State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar Melanie J. Lawrence Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2211 Telephone: (213) 765-1066	Case Number (s) 06-O-13768	(for Court's use)		
Bar # 230102	Submitted to: Settlement Judge	FILED		
In Pro Per Respondent Judith A. Centers Post Office Box 1446 La Mirada, California 90037-1446 Telephone: (562) 947-2793		AUG -8 2007 <i>K/C</i>		
In the Matter Of: Judith A. Centers		STATE BAR COURT CLERK'S OFFICE LOS ANGELES		
Bar # 150247	ACTUAL SUSPENSION	PUBLIC MATTER		
A Member of the State Bar of California (Respondent)				
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING				
<input type="checkbox"/> PREVIOUS STIPULATION REJECTED				

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 5, 1990**.
- (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 **18** 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."

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- (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:
Three (3) billing cycles following the effective date of the Supreme Court Order.
(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.
- (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.

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances are involved.**

Additional mitigating circumstances

Respondent has cooperated with the State Bar disciplinary process, including stipulating to facts, conclusions of law, and level of discipline.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) 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:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **two (2) 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 **sixty (60) days**.

- 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:

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 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 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.

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- (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:**

In the Matter of
Judith A. Centers

Case number(s):
06-O-13768

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
Davida Oberman	See attachment	May 25, 2005

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **Ninety (90) days prior to the expiration of the term of probation.**

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:
- a. 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: JUDITH A. CENTERS

CASE NUMBER(S): 06-O-13768

A. FACTS AND CONCLUSIONS OF LAW:

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY:

The parties waive any variance between the Notice of Disciplinary Charges filed on March 2, 2007, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

THE "SLAVIERO" MATTER

Facts:

1. In July 2002, Davida L. Oberman ("Oberman") employed Respondent on a contingency fee basis to file a lawsuit against Susan Slaviero of Excalibur Horses and Jet Pets. On September 30, 2002, Respondent filed a complaint entitled *Davida Oberman v. Susan Slaviero dba Excalibur Horses Ltd, Jet Pets Inc.*, Los Angeles Superior Court Case No. BC282384 (the "Slaviero matter"). The complaint alleged three causes of action: breach of contract, fraud, and negligence.
2. On August 25, 2003, Respondent, with Oberman's consent, filed a Request for Dismissal, with prejudice, as to the first cause of action (breach of contract) as to Jet Pets.
3. On December 22, 2003, Slaviero's counsel, Ronald P. Goldman ("Goldman") served Form Interrogatories and Special Interrogatories and a request for a statement of damages upon Respondent.
4. On February 5, 2004, and April 8, 2004, Goldman sent Respondent written notices that Oberman's responses were past due. Respondent received the notices and did not inform Oberman that her responses to the discovery requests were overdue.

5. In February 2004, Oberman sent Respondent three requests for a status update by email and demanded a response from Respondent. Respondent received the email messages. On February 25, 2004, Respondent sent Oberman by email a brief response, claiming that she had been out of town and would call "in the morning." Respondent did not call the following morning.
6. On April 30, 2004, Goldman filed a Motion to Compel Discovery Responses and for Award of Monetary Sanctions in the amount of \$2,187.50 ("first motion to compel"). A hearing was set for June 2, 2004. Respondent did not inform Oberman of the hearing.
7. On June 2, 2004, Respondent appeared at the hearing on Defendant's first motion to compel. The court granted the motion to compel, ordered the outstanding discovery to be produced, and imposed \$650 sanctions against Oberman and Respondent jointly for failure to serve a timely response to interrogatories. Respondent did not inform Oberman of the court's orders to produce and to pay sanctions.
8. Respondent still did not provide Goldman with a Statement of Damages. On July 14, 2004, Goldman again filed a Motion to Compel Discovery Responses and for Award of Monetary Sanctions and terminating sanctions ("second motion to compel") that included a proposed order, scheduled to be heard on August 27, 2004. On July 29, 2004, Respondent received a personal delivery of the second motion to compel. Respondent did not inform Oberman of her receipt of the second motion to compel.
9. Subsequent to July 14, 2004, Respondent did not file an opposition to Goldman's second motion to compel.
10. On August 27, 2004, Respondent did not appear on behalf of Oberman at the hearing for Defendant's second motion to compel. On August 27, 2004, the court issued a Tentative Ruling granting Defendant Slaviero's motion to compel discovery and for award of monetary sanctions in the amount of \$2,187.50 and terminating sanctions. Respondent did not inform Oberman of the court's Tentative Ruling and orders to produce and to pay sanctions.
11. On September 21, 2004, Respondent filed and served a Notice of Ex Parte Hearing for Motion for Reconsideration of the court's Tentative Ruling of August 27, 2004 to be heard on September 23, 2004. Respondent did not give Oberman notice of the ex parte hearing, or explain why it was necessary.
12. On September 23, 2004, Respondent appeared at the ex parte hearing. The court denied Respondent's motion as to Slaviero and ordered trial on remaining Defendant Jet Pets to proceed. Respondent did not inform Oberman that her motion for reconsideration of the court's ruling of August 27, 2004 was denied as to Slaviero, or of the importance of the denial.
13. On October 1, 2004, the court ordered that Oberman pay sanctions in the amount of

\$2,187.50 to Defendant Slaviero. The court further ordered the suit against Slaviero be dismissed for plaintiff's failure to prosecute. Respondent received notice of the dismissal and did not disclose it to Oberman.

14. In November 2004, after learning about the dismissal of the suit against Slaviero by checking the Los Angeles Superior Court website, Oberman employed attorney Steven D. Kramar ("Kramar") to contact Respondent. On November 4, 2004, Kramar sent Respondent an inquiry letter, asking about the reasons for the dismissal. Respondent did not respond to Kramar's letter.

15. On November 18, 2004, the court awarded a judgment of sanctions and statutory costs totaling \$45,133.13 to be paid by Oberman in favor of Slaviero. Respondent received notice of the judgment and did not disclose it to Oberman.

16. Subsequent to November 18, 2004, Respondent did not timely apply for relief from the \$45,133.13 judgment on behalf of Oberman. Then, on March 22, 2005, without Oberman's knowledge, Respondent filed a Motion to Set Aside Dismissal and Reinstate Oberman's case against Slaviero.

17. On April 26, 2005, Goldman served Respondent with a Notice of Entry of Judgment, notifying Respondent that judgement had been entered on or about November 18, 2004. Respondent received the Notice of Entry of Judgment and did not disclose it to Oberman.

18. On May 25, 2005, Goldman filed an Abstract of Judgment against Oberman.

19. In early July 2005, Oberman learned for the first time that an Abstract of Judgment had been recorded against her when she received advertisements from various attorneys and credit agencies informing her of the Abstract of Judgment. Panicked and puzzled by the judgment, Oberman faxed the advertisements she had received to Respondent and sent Respondent a daily email, between July 11 and July 20, 2005. On or about July 12, 2005, Respondent sent Oberman an email, claiming she "ha[d] not seen it". On or about July 14, 2005, Respondent sent Oberman an email, assuring Oberman that "[w]e will come up with a plan." On or about July 20, 2005, Respondent sent Oberman an email, stating that she had not seen the abstract and requesting that Oberman fax her a copy of the abstract. Thereafter, Oberman obtained a copy of the abstract and faxed it to Respondent. Respondent received Oberman's fax.

20. On August 4, 2005, attorney Jeffrey A. Buck from the Goldman law firm, sent Oberman a letter, demanding payment of the judgment on behalf of Slaviero. Oberman requested an explanation from Respondent as to why Slaviero's attorney would contact her directly. Respondent did not provide Oberman with a substantive response.

21. In late November 2005, Respondent appeared with her client for the trial against Defendant Jet Pets. In early December 2005, the suit against Jet Pets settled.

22. In December 2005, after the conclusion of the suit against Jet Pets, Respondent assured Oberman that she would file the necessary documents to prevent the execution of the judgment entered on November 18, 2004.

23. On February 23, 2006, Oberman received a letter from Goldman's office demanding payment of the judgment. Oberman immediately faxed it to Respondent. Respondent received Oberman's fax.

24. On February 27, 2006, Oberman emailed Respondent, asking for her assistance concerning the abstract of judgment. On the same date, Respondent emailed back that "[she] ha[s] it on deck for this week." On March 2, 2006, in response to another email from Oberman, Respondent emailed Oberman, giving assurance that she "will talk to [her] over the weekend, hopefully."

25. From December 2003 through March 2006, Oberman sent Respondent weekly emails, requesting status reports on the Slaviero matter. In February, March, August, October 2004, July 2005, and February and March 2006, Respondent sent Oberman brief emails, either to acknowledge Oberman's correspondence or to mention a family emergency that required Respondent to be out of town. In her brief and occasional responses to Oberman, Respondent did not provide Oberman with substantive status reports on the Slaviero matter.

26. Subsequent to March 2, 2006, Respondent ceased all communication with Oberman.

Legal Conclusions:

By: ignoring the multiple discovery requests served by Slaviero's counsel; not producing the outstanding discovery as ordered by the court; not filing an opposition to the second motion to compel filed by Slaviero's counsel; not appearing at the hearing for the second motion to compel filed by Slaviero's counsel; not prosecuting Oberman's suit against Slaviero; and not timely applying for relief from the Slaviero's judgment on behalf of Oberman; Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

By not responding to Kramar's letter of November 4, 2004, and not providing Oberman with substantive status reports on the Slaviero matter as requested by the client Respondent failed to respond promptly to reasonable status inquiries of a client in wilful violation of Business and Professions Code section 6068(m).

By: not advising Oberman of Slaviero's discovery requests; not informing her client of the court orders granting Slaviero's motions to compel discovery and awarding sanctions; not disclosing to her client that her suit against Slaviero was dismissed for failure to prosecute; and not timely disclosing to her client the judgment of \$45,133.13; Respondent failed to keep a client reasonably informed of significant developments in matters in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

THE "GUILLOT" MATTER

Facts:

27. In August 2003, Oberman employed Respondent on a contingency fee basis to file a lawsuit against Susan Guillot, Xenophon Classical Riding and Training Center, and Chris McCarthy, DVM, for negligence. On August 25, 2003, Respondent filed a complaint entitled *Davida Oberman v. Susan Guillot, Xenophon Classical Riding and Training Center, Chris McCarthy DVM.*, Riverside Superior Court Case No. RIC 398462 (the "Guillot matter").
28. On November 3, 2003, the court issued an Order to Show Cause why sanctions of \$150 should not be ordered on Oberman's complaint for failure to file proof of service of summons. A hearing was set for December 11, 2003. Respondent was served with and received the OSC and did not inform Oberman of the hearing.
29. On December 11, 2003, Respondent did not appear. The court ordered sanctions of \$150 against Respondent. The court further issued an Order to Show Cause re: Dismissal, to be heard on January 29, 2004. Respondent was served with and received the OSC, and did not inform her client of the OSC.
30. On January 22, 2004, Respondent filed a declaration of Plaintiff's counsel in opposition to the court's OSC re: dismissal for failure to appear and file proof of service, in which she acknowledged several of her mistakes.
31. On April 1, 2004, the court held an OSC hearing re: dismissal. Respondent appeared. The court did not dismiss the Guillot matter.
32. From September through November 2004, Oberman sent Respondent at least twenty emails, requesting a status update in the Guillot matter. On October 27, 2004, Respondent sent Oberman a brief email, asking her to be patient.
33. On February 9, 2005, Respondent sent Oberman an email, advising her that she need not appear at a trial management conference scheduled for September 23, 2005, and that trial was scheduled to begin on October 3, 2005.
34. On September 23, 2005, Respondent appeared at a trial management conference. The court continued the trial from October 3, 2005 to November 7, 2005, in open court, with Respondent present.
35. On October 6, 2005, Steve Schwartz, counsel for one of the defendants, requested that Respondent agree to continue the November 7, 2005, trial date. On October 13, 2005, Respondent sent an email to Oberman, advising her that she need not worry about the trial, and that "in all probability we will not go to trial on Nov. 7. . . ." On October 31, 2005, Respondent signed a stipulation to continue the November 7, 2005 trial date.

36. The trial date was not continued and on November 7, 2005, neither Respondent nor Oberman appeared at the jury trial. The court dismissed the Guillot matter as to all defendants. Respondent received notice of the dismissal and did not disclose it to Oberman.

37. On November 10, 2005, a friend of Oberman sent her an email, indicating the status of the Guillot matter. Oberman immediately sent Respondent an email, requesting an explanation. Respondent sent Oberman an email, stating that she would "take care of it."

38. Between November 2005 and March 2006, Oberman sent Respondent weekly emails, asking her to "reopen" the Guillot matter. Respondent did not respond to Oberman's emails concerning the Guillot matter.

39. Subsequent to March 2006, Respondent ceased all communication with Oberman.

40. From December 2003 through March 2006, Oberman sent Respondent weekly emails, requesting status reports on the Guillot matter. In February, March, August, and October 2004, Respondent sent Oberman brief emails, either to acknowledge Oberman's correspondence or to mention a family emergency that required Respondent to be out of town. In her brief and occasional responses to Oberman, Respondent did not provide Oberman with substantive status reports on the Guillot matter.

41. On March 13, 2006, Oberman sent Respondent a letter requesting the return of her client files in the Slaviero and the Guillot matters, and the contact information of Respondent's malpractice carrier. Respondent received the letter but did not respond and did not return the files. On March 13, 2006, Oberman terminated Respondent.

42. On May 17, 2006, without Oberman's knowledge, Respondent filed a Motion to Set Aside Dismissal. On July 12, 2006, the court found that Respondent's motion was not filed timely and denied it.

Legal Conclusions:

By not timely filing a proof of service of summons and failing to appear at the OSC on December 11, 2003, and not appearing for trial and not timely filing a motion to set aside the dismissal in the Guillot matter, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

By not providing any substantive response to Oberman's numerous emails concerning the Guillot matter or providing status reports on the Guillot matters to Oberman, as requested, Respondent failed to respond promptly to reasonable status inquiries of a client in wilful violation of Business and Professions Code section 6068(m).

By not informing Oberman of the OSCs of December 11, 2003 and January 29, 2004 and

the sanctions that were ordered and not informing Oberman of the dismissal of the Guillot matter on November 7, 2005, Respondent failed to keep a client reasonably informed of significant developments in matters in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

By ignoring Oberman's request for her files and not providing them to her upon Oberman's request, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

By filing a Motion to Set Aside Dismissal on May 17, 2006, in the Guillot matter, after she was terminated, Respondent corruptly or wilfully and without authority appeared as attorney for a party to an action or proceeding in wilful violation of Business and Professions Code section 6104.

B. AUTHORITIES SUPPORTING DISCIPLINE

Standards:

Standard 1.6(a) states that where two or more acts of professional misconduct are charged and different sanctions are prescribed by the standards for the acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.4(b) provides that the discipline for willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully 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 applies to violations of Business and Professions Code, section 6068 and 6104. It provides for 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 2.10 applies to violations of rule 3-700(D)(1). It provides for 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.

Case Law:

In *Franklin v. State Bar* (1986) 41 Cal. 3d 700, a case involving two client matters, the attorney was found culpable of failing to respond to clients, failing to pursue matters filed on behalf of clients, and failing to respond to interrogatories and motions.

Specifically, in one client matter, with regard to the interrogatories, the attorney failed to

communicate with the client concerning the requests or to respond to them. Then, he failed to notify his client of her scheduled deposition and failed to appear at the deposition. The trial court dismissed the client's case because of the discovery violations. But, the respondent attorney failed to inform the client. He then failed to respond to her and subsequent counsel's attempt to retrieve her file.

In the second client matter, the attorney filed a complaint in the client's personal injury case and then attempted to obtain a default judgment. The default papers were defective and failed to establish adequate proof of service. The attorney then failed to respond to the client's numerous attempts to contact him.

In mitigation, the court cited the attorney's lack of a prior disciplinary record. In aggravation, the court found he had intentionally misled the State Bar court during his testimony at the hearing below.

The court ordered the attorney suspended for one year - stayed, with one year probation and conditions including 45 days actual suspension.

In *King v. State Bar* (1990) 52 Cal.3d 307, a case involving two client matters, the attorney was found culpable of failing to perform competently, failing to communicate, and failing to return client files.

In one client matter the attorney filed a complaint in a personal injury action and then failed to serve the complaint on the defendants. Five years later, the court dismissed the action. During that five year period, the attorney failed to take any action to prosecute the complaint. In response to the client's repeated requests for the status of the case, the attorney assured him the case would be going to trial. Then, he failed to return the client's file at the client's request. The client received a default judgment against the attorney for malpractice, which went unpaid.

In the second client matter, a client hired the attorney to close probate on a case. The client made numerous inquiries about the status of the probate matter but many of the inquiries went unanswered. The attorney took no significant action to close probate. Then, he failed to turn over the client's file until seven months after she had requested that he do so.

In mitigation, the attorney had no prior discipline. In aggravation, the first client suffered a significant financial loss and the attorney failed to appreciate the severity of his misconduct.

The court ordered the attorney suspended for four years - stayed, with four years probation and conditions including three months actual suspension.

AGGRAVATING CIRCUMSTANCES.

Respondent's misconduct significantly harmed her client in that she has a judgment against her in the amount of \$45,133.13. (Standard 1.2(b)(vi).)

Respondent's current misconduct evidences multiple acts of wrongdoing. (Standard 1.2(b)(ii).)

MITIGATING CIRCUMSTANCES.

Respondent has no prior record of discipline in seventeen years of practice. (Standard 1.2(e)(i).)

Respondent has cooperated with the State Bar in stipulating to facts, conclusions of law, and level of discipline. (Standard 1.2(e)(v).)

C. COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 21, 2007, the estimated prosecution costs in this matter are approximately \$2,915.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any 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.

D. RESTITUTION

As a condition of probation, Respondent shall pay Davida Oberman restitution in the amount of \$45,133.13, plus interest of 10% per annum, accruing from May 25, 2005. That amount represents the judgment filed against Ms. Oberman as a result of the Slaviero matter. However, if Ms. Oberman or Respondent negotiates or otherwise settles the outstanding judgment for a lesser amount, in full satisfaction of the judgment, the total amount of restitution shall be the lesser sum, including 10% interest per annum, accruing from May 25, 2005.

Respondent shall make monthly payments to Oberman, beginning thirty-days after the final Supreme Court order in this matter, and in an amount to be determined by the Office of Probation. In any event, respondent must pay the full amount and provide the Office of Probation that she has done so, ninety-days prior to the expiration of the probationary term.

**In the Matter of
Judith A. Centers**

Case number(s):
06-O-13768

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.

Date July 13 2027

Respondent's Signature

Judith A. Centers
Print Name

Date _____

7/18/07

Respondent's Counsel Signature

Print Name _____

Date _____

Deputy Trial Counsel's Signature

Melanie J. Lawrence
Print Name

(Do not write above this line.)

In the Matter Of Judith A. Centers	Case Number(s): 06-O-13768
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

8/3/07

Judge of the State Bar Court

RICHARD A. HONN

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on August 8, 2007, I deposited a true copy of the following document(s):

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

**JUDITH A. CENTERS
P O BOX 1446
LA MIRADA, CA 90637 - 1446**

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

MELANIE J. LAWRENCE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 8, 2007.**



Tammy R. Cleaver
Case Administrator
State Bar Court