

State Bar Court of California
Hearing Department
Los Angeles

ORIGINAL

Counsel For The State Bar Eli D. Morgenstern 1149 South Hill Street Los Angeles, California 90015-2200 telephone: (213) 765-1334 Bar # 190560	Case Number (s) 07-J-11263	(for Court's use) FILED AUG - 8 2007 <i>He</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES PUBLIC MATTER
In Pro Per Respondent Vicki Carlton AKA Vicki Carlton Terry 2801 West Charleston Boulevard Suite 200 Las Vegas, Nevada 89102 Bar # 118903 In the Matter Of: Vicki Carlton Bar # 118903 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <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 **July 1, 1985**.
- (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."



(Do not write above this line.)

- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ costs added to membership fee for calendar year following effective date of discipline.
 - ☒ costs to be paid in equal amounts prior to February 1 for the following
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 or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (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

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **six (6) months**.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **one (1) year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

(1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

(3) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

(4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

(5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

(6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are

directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (7) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: **See page 9.**
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: VICKI CARLTON, aka VICKI CARLTON TERRY

CASE NUMBER(S): 07-J-11263

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that she is culpable of violations of the specified statute.

Facts

1. Respondent was appellant's counsel in a matter entitled *Peggie Williams F/K/A Peggie Yacek*, pending before the Supreme Court of Nevada ("Supreme Court") as Case No. 35534.

2. By order filed on June 27, 2002, the Supreme Court imposed a \$500 sanction upon Respondent for failing to communicate with the Supreme Court and unnecessarily delaying the briefing of the appeal. Respondent was to pay the sanction to the Supreme Court Law Library within 15 days and file proof of payment also within that time period.

3. Respondent file a motion for extension of time to pay the sanction. By Order filed on August 29, 2002, the Supreme Court granted Respondent motion's and directed her to make monthly payments of \$100 until the sanction was paid in full.

4. By Order filed on October 23, 2002, because the Supreme Court had not received any notification that Respondent had made the payments toward the sanction, it directed her to file proof of the payments she had already made.

5. On November 4, 2002, Respondent filed proof that she made one \$100 payment toward the sanction.

6. By Order filed on April 1, 2003, because Respondent had not filed proof that she made any other payments toward the sanction, the Supreme Court directed her to pay the remainder of the sanction (\$400) within 15 days.

7. In response, Respondent filed a motion for another extension of time to pay the sanction or, in the alternative, for a waiver of the sanction. By Order filed on November 24, 2003, the Supreme Court denied Respondent's request for a waiver but granted her a second

extension to pay the sanction, directing her to make monthly payments of \$50 towards the sanction until the remaining \$400 was paid in full. The first payment was to be made in December 2003.

8. By Order filed on March 22, 2004, because Respondent had neither provided proof that she had made any additional payments nor otherwise communicated with the Supreme Court, the Supreme Court directed her to pay the remaining \$400 and file proof of such payment within 20 days. Respondent was cautioned that failure to comply with the Order could result in the imposition of additional sanctions, including referral to the State Bar of Nevada for investigation.

9. By Order filed on May 26, 2004, the Supreme Court referred Respondent to the State Bar for investigation. As of that date, Respondent failed to pay the remaining \$400 and failed to file proof of payment of the sanction.

10. On May 28, 2004, the State Bar of Nevada opened Grievance File No. 04-069-1716 against Respondent and asked her to respond to the complaint from the Supreme Court within 10 days. Respondent failed to respond.

11. Accordingly, on June 17, 2004, the State Bar sent Respondent a second letter, this one by certified mail, again requesting her response to the Supreme Court's complaint within 10 days. The certified mailing receipt was returned with the signature of Anthony Brown. Respondent failed to respond.

12. On July 12, 2004, the State Bar of Nevada confirmed with the Clerk of the Supreme Court that Respondent had not made any further payment(s) toward the sanction.

13. On July 22, 2004, the State Bar of Nevada filed a complaint against Respondent in the matter entitled *State Bar of Nevada v. Vicki Carlton, Esq.*, Case No. 04-069-1716 ("the Carlton Disciplinary Matter"). Respondent was properly served with the complaint.

14. On August 19, 2004, after Respondent failed to file an Answer or otherwise respond to the complaint, the State Bar of Nevada filed a Notice of Intent to Request Default on August 19, 2004. Respondent was properly served with the Notice of Intent to Request Default.

15. On December 15, 2004, the State Bar of Nevada confirmed with the Clerk of the Supreme Court that Respondent had not made any further payment(s) toward the sanction.

16. On December 15, 2004, the Carlton Disciplinary Matter came before a designated Formal Hearing Panel of the Southern Nevada Disciplinary Board. Respondent did not appear, and the Carlton Disciplinary Matter proceeded by way of default.

17. On December 29, 2004, the Southern Nevada Disciplinary Board issued its Findings of Fact, Conclusions of Law, and Recommendation in the Carlton Disciplinary Matter.

18. The Southern Nevada Disciplinary Board found that Respondent violated, *inter alia*, former Nevada Supreme Court Rules ("SCR") 151 (Competence) and 153 (Diligence), current rule 1.3 of the Nevada Rules of Professional Conduct ("rule"). The Southern Nevada Disciplinary Board recommended, *inter alia*, to the Nevada Supreme Court that Respondent be actually suspended from the practice of law for a period of six months and one day.

19. On April 6, 2005, in Order No. 44465, the Nevada Supreme Court adopted the disciplinary recommendations of the Southern Nevada Disciplinary Board. A copy of the Findings of Fact, Conclusions of Law, and Recommendation of the Southern Nevada Disciplinary Board in the Carlton Disciplinary Matter, and a certified copy of Supreme Court No. 44465, are cumulatively attached hereto and incorporated herein as Exhibit One.

20. On or about January 10, 2007, Respondent paid the sanctions owed to the Supreme Court.

Legal Conclusions

By failing to pay the sanctions ordered by the Nevada Supreme Court pursuant to the November 24, 2003 Order, and the March 22, 2004 Order, Respondent wilfully disobeyed or violated orders of the court requiring her to do or forbear an act connected with or in the course of Respondent's profession which she ought in good faith to do or forbear, in violation of Business and Professions Code section 6103.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was June 15, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 15, 2007, the costs in this matter are \$1,636. 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.

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**AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS
CODE SECTION 6049.1.**

1. Respondent's culpability determined in the disciplinary proceeding before the Southern Nevada Disciplinary Board would warrant the imposition of discipline in the State of California under the laws or rules in effect in this State at the time the misconduct was committed; and
2. The proceeding in the above jurisdiction provided Respondent with fundamental constitutional protection.

MITIGATING CIRCUMSTANCES.

In 1984, Respondent graduated from law school and became a member of the Bar in California and Nevada in 1985. Respondent practiced law primarily in Nevada until the middle of 1987 when she married another attorney and became a full time mother to their two children.

During the next ten years, Respondent practiced law part time, mostly assisting her husband in his law practice. In 1996, Respondent's husband became involved with another woman and filed for a divorce in December 1996. The Decree of Divorce was filed on June 17, 1997. The divorce marked the beginning of approximately eight years of extremely adversarial, post-divorce litigation, primarily over child custody. In the aftermath of the divorce, Respondent received very little of the community property and only about two years of spousal support which was consumed primarily by the costs of litigation. Respondent was left financially destitute following the divorce.

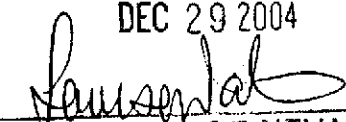
Thus, during the time that the misconduct herein was committed and while the Nevada disciplinary proceedings were taking place, Respondent was involved in bitter domestic litigation involving extremely emotional issues concerning the custody and well-being of Respondent's children, while attempting to maintain a fledgling law practice and lift herself out of a financial hole.

Respondent acknowledges that these circumstances do not excuse her misconduct or her failure to participate in the Nevada disciplinary proceedings; but the circumstances are offered merely as an explanation for her conduct.

Respondent is currently employed as a paralegal in a law firm in Nevada.

DEC 29 2004

Case No: 04-069-1716


 STATE BAR OF NEVADA

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)

Complainant,)

vs.)

VICKI CARLTON, ESQ.,)

Respondent.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION

This matter came before a designated Formal Hearing Panel of the Southern Nevada Disciplinary Board on December 15, 2004, at 9:00 a.m. The presiding Panel consisted of James Lisowski, Esq., Chair, George Cromer, Esq., Nicholas Santoro, Esq., David Grauman, Esq., and Laymember Mark Nichols. The State Bar of Nevada ("State Bar") was represented by Assistant Bar Counsel Phillip J. Pattee. Vicki Carlton ("Respondent") did not appear, nor did any representative appear on Respondent's behalf.

The State Bar submitted the Formal Hearing packet of pleadings and notices into evidence as Exhibit 1; an affidavit of Louise Watson, Custodian of Records with attached pleadings as Exhibit 2; an affidavit of Louise Watson, Custodian of Records, regarding Respondent's discipline history as Exhibit 3. All exhibits were admitted without objection.

Based upon the pleadings filed, the documents admitted into evidence and the legal arguments presented, the Panel submits the following Findings of Fact, Decision and Recommendation.

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FINDINGS OF FACT

1. This Panel was designated by the Southern Nevada Disciplinary Board Chair and has jurisdiction over this matter.

2. Respondent is now, and at all times pertinent herein was, a licensed attorney in the State of Nevada, having her principal place of business for the practice of law in Clark County, Nevada.

3. Respondent failed to file an Answer or otherwise respond to the Complaint filed by the State Bar on July 22, 2004, and the State Bar filed a Notice of Intent to Request Default on August 19, 2004.

4. This Panel finds that Respondent was sufficiently served with the Complaint and Notice of Intent to Request Default in this matter.

5. Respondent failed to seek to set aside the Default or to appear to offer any evidence that the Default was the result of surprise, inadvertence, mistake or excusable neglect.

6. Respondent was appellant's counsel in *Peggie Williams F/K/A Peggie Yacek v. Andrew Yacek*, pending before the Supreme Court of Nevada ("Supreme Court") as Case No. 35534. By Order filed on June 27, 2002, the Supreme Court imposed a \$500 sanction upon Respondent for failing to communicate with the Supreme Court and unnecessarily delaying the briefing of the appeal. Respondent was to pay the sanction to the Supreme Court Law Library within 15 days and file proof of payment also within that time period.

7. Respondent filed a motion for extension of time to pay the sanction. By Order filed on August 29, 2002, the Supreme Court granted Respondent's motion and directed her to make monthly payments of \$100 until the sanction was paid in full.

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1 8. By Order filed on October 23, 2002, because the Supreme Court had not
2 received any notification that Respondent had made any payments towards the sanction, it
3 directed her to file proof of the payments she had already made. On November 4, 2002,
4 Respondent filed proof that she made one \$100 payment toward the sanction.

5 9. By Order filed on April 1, 2003, because Respondent had not filed proof that
6 she had made any other payments toward the sanction, the Supreme Court directed her to
7 pay the remainder of the sanction (\$400) within 15 days.

8 10. In response, Respondent filed a motion for another extension of time to pay the
9 sanction or, in the alternative, for a waiver of the sanction. By Order filed on November 24,
10 2003, the Supreme Court denied Respondent's request for a waiver but granted her a
11 second extension to pay the sanction, directing her to make monthly payments of \$50
12 towards the sanction until the remaining \$400 was paid in full. The first payment was to be
13 made in December 2003.

14 11. By Order filed on March 22, 2004, because Respondent had neither provided
15 proof that she had made any additional payments not otherwise communicated with the
16 Supreme Court, it directed her to pay the remaining \$400 and file proof of such payment
17 within 20 days. Respondent was cautioned that failure to comply with that Order could result
18 in the imposition of additional sanctions, including referral to the State Bar for investigation.

19 12. By Order filed on May 26, 2004, the Supreme Court referred Respondent to the
20 State Bar for investigation. As of that date, Respondent failed to pay the remaining \$400 and
21 failed to file proof of payment of the sanction. Respondent had not communicated with the
22 Supreme Court regarding payment of the sanction in over a year.

23 13. On May 28, 2004, the State Bar opened Grievance File No. 04-069-1716 in this
24 matter against Respondent and asked her to respond to the complaint from the Supreme
25 Court within 10 days. She failed to respond.

1 14. Accordingly, on June 17, 2004, the State Bar sent Respondent a second letter,
2 this one by certified mail, again requesting her response in this matter within 10 days. The
3 certified mailing receipt was returned with the signature of Anthony Brown. Respondent
4 failed to respond.

5 15. On July 12, 2004, the State Bar confirmed with the Clerk of the Supreme Court
6 that Respondent had not made any further payment(s) toward the sanction.

7 16. On July 20, 2004 a screening panel reviewed this matter and unanimously
8 ordered it to proceed to formal hearing.

9 17. On December 15, 2004, the State Bar confirmed with the Clerk of the Supreme
10 Court that Respondent had not made any further payment(s) toward the sanction.

11 **CONCLUSIONS OF LAW**

12 Based upon the foregoing Findings of Fact, the Panel hereby issues the following
13 Conclusions of Law:

14 1. Service of State Bar documents and pleadings, including the Complaint, Notice
15 of Intent to Request Default and Notice of the Formal Hearing, was sufficient in that
16 Respondent was served personally and also by certified mail and regular mail.

17 2. Respondent failed to file an Answer in a timely manner or otherwise respond in
18 this matter and failed to contact the State Bar, the chair of the Southern Nevada Disciplinary
19 Board or the chairman of the chair of the Formal Hearing.

20 3. Pursuant to SCR 105(2), the charges are deemed admitted and the State Bar
21 met its burden of proof by clear and convincing evidence.

22 4. Respondent violated SCR 151 (Competence), SCR 153 (Diligence), SCR
23 173(3) (Fairness to opposing party and counsel: knowingly disobeying an obligation under
24 the rules of a tribunal), SCR 200(2) (Bar association and disciplinary matters), and SCR
25 203(4) (Misconduct: conduct prejudicial to the administration of justice).

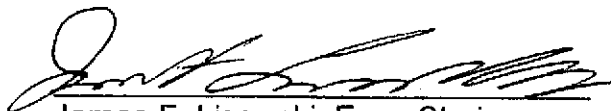
1 **DECISION AND RECOMMENDATION**

2 Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel, by
3 unanimous vote, concludes and respectfully recommends to the Supreme Court of the State
4 of Nevada the following:

5 1. That Respondent be suspended from the practice of law for a period of six (6)
6 months and one (1) day;

7 2. That pursuant to SCR 120 (Costs), Respondent be ordered to pay the costs of
8 these proceedings (excluding staff salaries) within thirty (30) days of her receipt of the State
9 Bar's Bill of Costs in this matter.

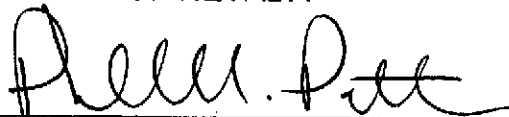
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11 DATED this 29 day of December 2004.

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13 

14 James F. Lisowski, Esq., Chair
15 Formal Hearing Panel
16 Southern Nevada Disciplinary Board

17 Respectfully submitted:

18 STATE BAR OF NEVADA

19 
20 By: _____

21 Phillip J. Pattee, Assistant Bar Counsel
22 Nevada Bar No. 4021
23 600 East Charleston Boulevard
24 Las Vegas, Nevada 89104
25 (702) 382- 2200
 Attorney for State Bar of Nevada

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF VICKI
CARLTON, ESQ.

No. 44465

FILED

APR 06 2005

ORDER OF SUSPENSION

BY *Janette Bloom*
JANETTE BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

This is an automatic appeal from a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Vicki Carlton be suspended from the practice of law for six months and one day. This court issued a briefing schedule, but Carlton did not file an opening brief, so the case has been submitted on the record.

This matter was initially referred to the bar by this court after Carlton failed to comply with our repeated orders to pay sanctions imposed against her in the case of Williams v. Yacek, Docket No. 35534. In a complaint filed by the bar on July 22, 2004, Carlton was charged with violations of SCR 151 (competence), SCR 153 (diligence), SCR 173(3) (knowingly disobeying an obligation under the rules of a tribunal), SCR 200(2) (bar association and disciplinary matters), and SCR 203(4) (conduct prejudicial to the administration of justice). Carlton failed to answer the complaint or respond to any communications from the bar. Moreover, Carlton did not appear at the panel's formal hearing held on December 15, 2004, so a default was entered against her and all charges in the complaint were deemed admitted under SCR 105(2).

The panel recommended that Carlton be suspended for a period of six months and one day, which will require Carlton to petition for

reinstatement before she may resume practicing law.¹ The panel also recommended that Carlton be ordered to pay the costs of the disciplinary proceedings within thirty days of her receipt of the bar's bill of costs in this matter.

We agree with the panel's recommendation and suspend Carlton for a period of six months and one day.² Carlton shall pay the disciplinary proceedings' costs within thirty days of receiving the bar's bill of costs, and will not be considered for reinstatement absent proof that she has paid all costs of the disciplinary proceedings, as well as the sanctions imposed in Docket No. 35534.

It is so ORDERED.

Becker _____, C.J.
Becker

Rose _____, J.
Rose

Maupin _____, J.
Maupin

Douglas _____, J.
Douglas

Gibbons _____, J.
Gibbons

Hardesty _____, J.
Hardesty

Parraguirre _____, J.
Parraguirre

¹SCR 116(1).

²Carlton and the state bar shall comply with SCR 115.

This is our final disposition of this matter. Any new proceedings concerning Carlton shall be docketed under a new docket number. In light of this order, we vacate our March 29, 2005 order in Docket No. 43912, to the extent that it concerns Carlton.

cc: Howard Miller, Chair, Southern Nevada Disciplinary Board
Rob Bare, Bar Counsel
Allen W. Kimbrough, Executive Director, State Bar
Perry Thompson, Admission Office,
Supreme Court of the United States
Vicki Carlton

(Do not write above this line.)

In the Matter of Vicki Carlton aka Vicki Carlton Terry	Case number(s): 07-J-11263
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SIGNATURE OF THE PARTIES

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

7/3/07
Date

Vicki Carlton
Respondent's Signature

Vicki Carlton
Print Name

7/09/07
Date

Eli D. Morgenstern
Respondent's Counsel Signature
Deputy Trial Counsel's Signature

Eli D. Morgenstern
Print Name

(Do not write above this line.)

In the Matter Of
Vicki Carlton
aka Vicki Carlton Terry

Case Number(s):
07-J-11263

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 1, so that the caption correctly reflects respondent's name as it appears on the official
membership records of the State Bar of California (with a reference to her continued use of the name
Vicki Carlton), the caption is modified to read as follows:

In the Matter of Vicki Carlton Terry, a/k/a Vicki Carlton,
Bar Number 118903, A Member of the State Bar of California

On page 6, in fact 1, the phrase is "v. Andrew Yacek" is inserted after the name *Peggie Yacek* so that
the referenced case is correctly identified as:

Peggie Williams F/K/A Peggie Yacek v. Andrew Yacek.

On page 6, in fact 3, the word "file" in the first sentence is changed to "filed" so that the sentence
reads:

Respondent filed a motion for extension of time to pay the sanction.

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.)**

August 3, 2007
Date


Judge of the State Bar Court

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

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

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL
SUSPENSION**

in a sealed envelope for collection and mailing on that date as follows:

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

**VICKI C. TERRY
PALMER & ASSOCIATES, P.C.
2801 W CHARLESTON BLVD STE 200
LAS VEGAS, NV 89102**

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

ELI MORGENSTERN, 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