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State Bar Court of California
Hearing Department
Los Angeles
ALTERNATIVE DISCIPLINE PROGRAM



<p>Counsel For The State Bar</p> <p>Charles A. Murray 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1236</p> <p>Bar # 146069</p>	<p>Case Number (s) 07-O-12556</p> <p>PUBLIC MATTER</p>	<p>(for Court's use)</p> <p>FILED</p> <p>SEP 30 2009 <i>[Signature]</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>David A. Clare 444 W. Ocean Blvd., Suite 800 Long Beach, CA 90802 (562) 624-2837</p> <p>Bar # 44971</p>	<p>Submitted to: Program Judge FIRST ADDENDUM TO STIPULATION RE FACTS AND CONCLUSIONS OF LAW TO CASE NO. 06-O-14335</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: JULIETTE ROBINSON</p> <p>Bar # 147539</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted July 11, 1990.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of _____ pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

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

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

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
- (b) Date prior discipline effective
- (c) Rules of Professional Conduct/ State Bar Act violations:
- (d) Degree of prior discipline
- (e) If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ o n i n 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:

ATTACHMENT TO
FIRST ADDENDUM TO ADP STIPULATION RE FACTS & CONCLUSIONS OF LAW

IN THE MATTER OF: **JULIETTE ROBINSON** ("Respondent"), **SB#147539**

CASE NUMBER(S): **07-O-12556**

ADDENDUM:

This First Addendum to ADP Stipulation re Facts and Conclusions of Law is an addendum to the ADP Stipulation re Facts and Conclusions of Law previously executed by the parties and submitted to the ADP in case no. 06-O-14335 and upon which Respondent is currently a participant in the ADP, and is incorporated into that ADP Stipulation.

DISCLOSURE:

The disclosure date referred to, on page one, paragraph A.(7), is February 5, 2009.

STIPULATION AS TO 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, or has otherwise committed acts of misconduct warranting discipline:

STIPULATED FACTS:

- 1) On May 7, 2005, Dayle A. Stevens ("Stevens") employed Respondent's office to represent her in connection with a claim for personal injuries occurring on March 3, 2005, as the result of a slip and fall at the Long Beach Superior Court. Stevens received in the mail, and she signed, an attorney-client fee agreement.
2. On August 2, 2005, Respondent signed and sent to the State Board of Control, Government Claims Division, a government claim form in connection with Stevens' personal injury matter.
3. Thereafter, Respondent took no further action to prosecute, or to advance or to properly withdraw from the case, despite numerous telephone calls from Stevens to Respondent's office in an effort to determine the status of her matter.
4. In May 2005, Stevens telephoned Respondent's office and spoke to Respondent's secretary about her matter. She was told it would take a year or more to process the claim.
5. Beginning in November 2006, Stevens began calling Respondent's office in an effort to reach Respondent to inquire about the status of the matter. From November 10, 2006 through December 12, 2006, Stevens called Respondent's office ten times. Each time she called,

Stevens left a message for Respondent on Respondent's voice mail system that she called and that she requested a return call from the Respondent. However, Respondent did not return these calls.

6. In February, March and May of 2007, Stevens made additional calls to the Respondent's office. Approximately at least nine (9) calls were placed by Stevens to Respondent during this period. Each time she called, Stevens was connected to Respondent's voice mail system and she left a message that she had called and requested a return call from Respondent. Respondent did not return any of these telephone calls.

7. On May 11, 2007, Stevens called Eric Parris, an attorney. M. Parris provided Stevens with Respondent's cell phone number.

8. In May and June 2007, Stevens placed a number of telephone calls to Respondent's cell. On May 31, 2007, Respondent answered the telephone. Respondent told Stevens that her claim had been denied. When Stevens began to question Respondent about the matter, Respondent advised that she would review the file and call Stevens the next day. Thereafter, Respondent did not call.

9. On June 6, 2007, June 11, 2007 and June 12, 2007, Stevens called the Respondent's cell phone and left messages for Respondent to return her calls. On June 13, 2007, Respondent called Stevens. After discussion that included Stevens need for moving expenses (Stevens needed to vacate her residence and did not have the funds to move) and the possibility of Respondent assisting Stevens in locating an automobile¹, Stevens advised Respondent that the only thing she wanted was her claim resolved. Respondent advised Stevens that she and Stevens would speak again the next day. However, Stevens heard nothing further from Respondent after this conversation.

10. Stevens placed a number of additional telephone calls to Respondent, leaving messages. Respondent did not return these calls.

CONCLUSIONS OF LAW:

11. By failing to take any action related to Steven's claim after the filing of the government claim, and despite Steven's efforts to contact her, Respondent intentionally, recklessly or repeatedly failed to perform legal services competently in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

12. By failing to promptly return numerous telephone calls from Stevens from in or about November 2006 to June 2007, by failing to adequately inform Stevens of the status of her matter in June 2007 and by failing to return calls from Stevens after June 2007, and/or to inform her client of significant developments, Respondent wilfully violated section 6068(m) of the Business and Professions Code.

¹As a result of Stevens' injury, she had difficulty driving her own car which had a manual transmission.

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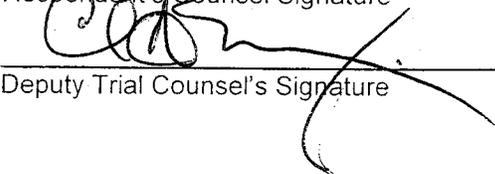
SIGNATURE OF THE PARTIES

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 Facts and Conclusions of Law.

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

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

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

x <u>3/13/09</u> Date	 Respondent's Signature	<u>JULIETTE ROBINSON</u> Print Name
<u>3/13/09</u> Date	 Respondent's Counsel Signature	<u>DAVID A. CLARE</u> Print Name
<u>3/27/09</u> Date	 Deputy Trial Counsel's Signature	<u>CHARLES A. MURRAY</u> Print Name

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ORDER

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

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(a), Rules of Procedure.)

9/30/09
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 October 2, 2009, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW

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:

David A. Clare
444 W. Ocean Blvd., Ste. 800
Long Beach, CA 90802

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 2, 2009.



Cristina Potter
Case Administrator
State Bar Court