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State Bar Court of California Hearing Department Los Angeles		kwiktag® 018 040 300 
Counsel For The State Bar Rizamari C. Sitton Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Tel: (213) 765-1364 Fax: (213) 765-1318 Bar # 138319	Case Number (s) 08-O-14040 08-O-14051 08-O-14569 09-O-11446 09-O-14129	(for Court's use) <div style="text-align: center; font-size: 24px; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 24px; font-weight: bold;">DEC - 7 2010</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div> <div style="text-align: center; font-size: 24px; font-weight: bold; margin-top: 20px;">PUBLIC MATTER</div>
In Pro Per Respondent Patricia M. Cullen 3807 Sierra Highway, Suite 6-4348 Acton, California 93510 Tel: (661) 269-2172 Bar # 202477	Submitted to: Assigned Judge	
In the Matter Of: PATRICIA MADDEN CULLEN Bar # 202477 A Member of the State Bar of California (Respondent)	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 **September 13, 1999**.
- (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 **19** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (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 had a solo law practice from 2000-2009. In 2007, Respondent began having financial difficulties and could not continue to operate her law practice on a full-time basis. In June 2008, she received notice from her office landlord to vacate the premises by August 2008. Beginning the same month, in June 2008, her two adult sons developed severe complications from a previous liver transplant (transplant from one son to the other), and for the ensuing twelve months, Respondent had

to travel frequently to Seattle, Washington to attend to her sons' medical matters. In the meantime, Respondent developed medical problems of her own, including panic attacks, heart-racing episodes, depression, and anxiety, for which she received medical treatments and medications for several months. Respondent's medical doctor declared her unable to work from late 2008 through at least June 2009. In January 2009, Respondent began filing motions to withdraw as attorney of record in the immigration cases she was handling. Respondent has been unable to work for the last two years due to these personal and medical problems. Her only current income is her social security benefits. She has no intention of opening another law office, or taking on any new clients.

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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is 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)

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.

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

- (5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

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

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Attachment language (if any):

See, Attachment 1, Statement of Facts, pages 10-14.

See, Attachment 2, Conclusions of Law, page 15-17.

See, Attachment 3, Supporting Authority, page 18.

In the Matter of
Patricia Madden Cullen

A Member of the State Bar

Case number(s):
**08-O-14040, 08-O-14051, 08-O-14569, 09-O-11446,
09-O-14129**

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
Jose Rodriguez-Melendez	\$3910	October 17, 2007
Jorge Chavez	\$4000	May 1, 2008
Jamie Favela	\$1500	October 3, 2008

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

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
Jose Rodriguez-Melendez	\$500	quarterly
Jorge Chavez	\$500	quarterly
Jamie Favela	\$250	quarterly

c. Client Funds Certificate

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

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

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

In the Matter of
Patricia Madden Cullen

Case number(s):
08-O-14040, 08-O-14051, 08-O-14569, 09-O-11446,
09-O-14129

A Member of the State Bar

Law Office Management Conditions

- a. Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within days/ months/**one (1)** years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than **six (6)** hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT 1: STATEMENT OF FACTS

IN THE MATTER OF: PATRICIA MADDEN CULLEN

CASE NUMBERS: 08-O-14040, 08-O-14051, 08-O-14569,
 09-O-11446, 09-O-14129

Respondent acknowledges and stipulates that the following facts are true:

Case No. 08-O-14040

1. On October 7, 2004, Jose Rodriguez-Melendez (“Melendez”) hired Respondent to handle a certain immigration matter to conclusion. Respondent’s services included representation of Melendez at removal proceedings in immigration court.

2. Between October 7, 2004, and October 16, 2007, Melendez paid Respondent advanced attorney fees totaling \$3910.

3. A hearing in Melendez’s removal proceedings was scheduled for July 21, 2008. Respondent received due notice of the hearing.

4. On July 11, 2008, Respondent met with Melendez in preparation of the July 21, 2008, hearing.

5. On July 21, 2008, Respondent did not appear at the hearing. Respondent did not inform Melendez that she would not attend the hearing.

6. As a result of Respondent’s failure to appear at the July 21, 2008, the court rescheduled the hearing for December 15, 2008.

7. After the July 21, 2008, hearing, Melendez telephoned Respondent every day for one week, at least three times each day, to inquire why she did not appear at the hearing and to inquire about the status of his case. On each call, Melendez left a message on the answering machine asking Respondent to call him back. Respondent did not return any of the calls.

8. Thereafter, Melendez hired a new attorney.

9. To date, Respondent has not refunded to Melendez any portion of the unearned fees.

Case No. 08-O-14051

10. Prior to February 2008, Hayde Patricia Elias Martinez ("Martinez") submitted to the U.S. Citizenship and Immigration Services (USCIS) a certain application ("I-601 application") for waiver of her illegal presence in the United States for purposes of obtaining legal residency status.

11. In February 2008, USCIS denied Martinez's I-601 application.

12. On March 3, 2008, Respondent was hired to represent Martinez in her immigration matter, specifically to file and handle an appeal of the denial of her I-601 application. Respondent charged Martinez a flat fee of \$1000.

13. Between March 2008 and July 2008, Respondent did not perform any services of value to Martinez.

14. In July 2008, Respondent withdrew from employment as Martinez's attorney. Respondent did not inform Martinez of her withdrawal; Respondent did not advise Martinez to hire a new attorney; and, Respondent did not release to Martinez her files and papers.

15. On July 11, 2008, Respondent refunded to Martinez all of the fees advanced to date.

16. Between July 2008 and September 2008, Martinez, by and through her husband, repeatedly telephoned Respondent, and visited her office at least three times, to inquire about the status of Martinez's immigration matter. Respondent did not return any of the telephone calls, and she was not otherwise available to discuss with Martinez or her husband her immigration matter.

17. In early September 2008, Martinez's husband learned that Respondent closed her law office. Shortly thereafter, Martinez filed a complaint with the State Bar.

18. In December 2008, Respondent released to Martinez her files and papers relating to her immigration matter.

Case No. 08-O-14569

19. In February 2006, Jorge Chavez ("Chavez") hired Respondent to represent him in an immigration matter which included representation in removal proceedings and obtaining legal residency status in the United States. Chavez paid Respondent advanced attorney's fees totaling \$4000.

20. In May 2008, the court scheduled a hearing for October 8, 2008, in Chavez's removal proceedings. Respondent received notice of the hearing.

21. Between June 2008 and July 2008, Chavez and his wife repeatedly telephoned Respondent to inquire about the status of his immigration matter. On each call, they left a message asking Respondent to call them back with information about the status of Chavez's case. Respondent did not return any of the calls and she did not otherwise communicate with Chavez.

22. Chavez hired a new attorney in or about September 2008. The new attorney filed an entry of formal appearance in Chavez's removal proceedings on September 22, 2008.

23. Respondent did not earn all of the attorney fees advanced by Chavez.

24. To date, Respondent has not refunded any portion of the unearned fees to Chavez.

Case No. 09-O-11446

25. From 2001 until February 2009, Respondent represented Luis Villavicencio Valdez ("Valdez") in a certain immigration matter, and she was Valdez's attorney-of-record in the removal proceedings pending in immigration court.

26. In September 2008, the court scheduled a merits hearing in Valdez's removal proceedings for on or about March 9, 2009. Respondent received notice of the hearing.

27. On February 11, 2009, Valdez received from Respondent through the U.S. mail a letter informing him that she would be unable to represent him at the March 9, 2009, hearing ("hearing"). Respondent also stated in the letter that she would file a motion to withdraw as attorney-of-record.

28. Respondent did not file prior to the hearing a motion to withdraw as attorney-of-record for Valdez.

29. Respondent knew that until the court grants a properly filed motion to withdraw, she was required to continue to represent Valdez in his immigration matter and that she was required to appear in court hearings.

30. Respondent did not appear, and no one in Respondent's stead appeared, at the hearing.

31. Respondent did not release to Valdez his client file prior to the hearing.

Case No. 09-O-14129

32. In September 2007, Jaime Favela ("Favela") hired Respondent to handle a certain immigration matter to conclusion. Respondent's services specifically included preparing and filing petitions for Favela to obtain permanent residency status in the United States. Respondent was paid \$1500, as advanced attorney fees.

33. On March 16, 2008, Respondent submitted to the U.S. Citizenship and Immigration Services (USCIS) for filing an application for permanent residency ("I-485 Application") on behalf of Favela.

34. On May 8, 2008, Respondent received notice from USCIS requesting certain additional evidence to support the I-485 Application by a certain date. Respondent did not submit all of the requested evidence. As a result, the I-485 Application was denied on October 3, 2008.

35. Respondent received notice that USCIS denied the I-485 Application.

36. Respondent did not inform Favela that his I-485 Application had been denied. Favela learned about the denial through the USCIS website on October 23, 2008.

37. Between November 2008, and January 2009, inclusive, Favela repeatedly telephoned and sent emails to Respondent asking about the status of his immigration matter. Respondent did not respond to any of Favela's inquiries, and she did not otherwise provide him with information about the status of his immigration matter.

38. In January 2009, Favela hired a new attorney.

39. Respondent did not perform any services of value to Favela.

40. Respondent did not earn the advanced attorney fees.

41. To date, Respondent has not refunded to Favela any portion of the advanced attorney fees.

ATTACHMENT 2: CONCLUSIONS OF LAW

IN THE MATTER OF: PATRICIA MADDEN CULLEN

CASE NUMBERS: 08-O-14040, 08-O-14051, 08-O-14569,
 09-O-11446, 09-O-14129

Respondent admits, and the parties stipulate, that by her conduct described in the attached Statement of Facts, Respondent is culpable of the following violations.

Case no. 08-O-14040

1. By not appearing at the July 21, 2008, hearing, and by not otherwise taking any steps to have legal representation for Melendez at the hearing, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A) .
2. By not returning any of Melendez's telephone calls to explain what happened at the July 21, 2008, hearing, and by not otherwise providing Melendez with information about the status of his immigration case despite repeated requests for information, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m) .
3. By not refunding the unearned fees to Melendez, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case no. 08-O-14051

4. By not informing Martinez that she was withdrawing from employment, by not advising Martinez to seek new counsel, and by not releasing to Martinez her immigration files and papers for at least four months and only after the client filed a State Bar complaint, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Case no. 08-O-14569

5. By not returning any of Chavez's and his wife's telephone calls between June 2008 and July 2008, and by not otherwise providing Chavez with information about the status of his immigration matter, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m) .

6. By not refunding any portion of the unearned fees to Chavez, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case no. 09-O-11446

7. By mailing a letter to Valdez approximately a month before the merits hearing that she was withdrawing as his attorney, by not releasing to Valdez his client file prior to the hearing, by not filing a motion with the court to withdraw as attorney-of-record, and by not making arrangements for another attorney to appear at the hearing, Respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to her client when she withdrew from employment in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Case no. 09-O-14129

8. By not filing a complete application for permanent status on behalf of Favela, and by not providing the necessary documents requested by USCIS, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A) .

9. By not refunding to Favela any portion of the unearned fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

10. By not informing Favela of the USCIS's denial of his I-485 Application, by not returning any of Favela's telephone calls and by not responding to any of Favela's emails between November 2008, and January 2009, and by not otherwise providing Favela with information about the status of his immigration case despite repeated requests for information, Respondent failed to keep a client reasonably informed of significant developments, and failed to respond promptly to reasonable status inquiries of a client, in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

ATTACHMENT 3: SUPPORTING AUTHORITY

IN THE MATTER OF: PATRICIA MADDEN CULLEN

CASE NUMBERS: 08-O-14040, 08-O-14051, 08-O-14569,
 09-O-11446, 09-O-14129

Culpability of a member of willfully failing to perform services in matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client. *Rules of Procedure of the State Bar of California, Standard 2.4.*

Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or of a willful violation of any Rules of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3. *Rules of Procedure of the State Bar of California, Standard 2.10.*

Respondent withdrew from representation in his clients' administrative hearing, and abandoned his clients. Thereafter, he denied to his client that he had withdrawn as their counsel, and refused to give them their files until they paid him additional fees and signed a substitution of attorney form. Respondent was suspended for one year, stayed, with two years probation and restitution, with probation conditions that included attendance at the State Bar Ethics School and completion of a law office management course. *In the Matter of Heroico M. Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32.

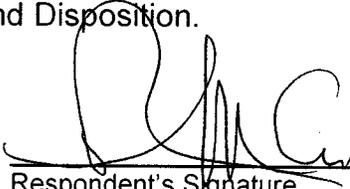
The review department found that respondent was culpable of failing to appear as ordered at a mandatory settlement conference and of intentionally misleading the settlement conference judge regarding his client's death. Although it viewed the misconduct as serious, the review department concluded that the mitigating circumstances, lack of aggravating circumstances, and comparable case law demonstrated that one year stayed suspension and two years probation with no actual suspension was appropriate. *In the Matter of Thomas Joseph Jeffers* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 211.

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In the Matter of Patricia Madden Cullen	Case number(s): 08-O-14040, 08-O-14051, 08-O-14569, 09-O-11446, 09-O-14129
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SIGNATURE OF THE PARTIES

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

<u>11/16/10</u> Date	 Respondent's Signature	<u>Patricia Madden Cullen</u> Print Name
<u>11/17/10</u> Date	 Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>11/17/10</u> Date	 Deputy Trial Counsel's Signature	<u>Rizamari C. Sitton</u> Print Name

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In the Matter Of Patricia Madden Cullen	Case Number(s): 08-O-14040, 08-O-14051, 08-O-14569, 09-O-11446, 09-O-14129
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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

12/6/10

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 December 7, 2010, 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:

**PATRICIA M. CULLEN
LAW OFFICE OF PATRICIA
MADDEN CULLEN
3807 SIERRA HWY STE 6-4348
ACTON, CA 93510**

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

RIZAMARI SITTON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 7, 2010.



Tammy Cleaver
Case Administrator
State Bar Court