


ORIGINAL

State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel For The State Bar Ashod Mooradian Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1004 Bar # 194283	Case Number(s): 09-N-11262-RAP	For Court use only <div style="text-align: center;"> FILED JAN 20 2011  STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Judith A. Centers P.O. Box 1926 La Mirada, CA 90637-1926 Bar # 150247	PUBLIC MATTER	
In the Matter of: JUDITH A. CENTERS Bar # 150247 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (11) 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."



(Do not write above this line.)

- (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 to be awarded to the State Bar.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**
- (a) ☒ State Bar Court case # of prior case 06-O-13768
 - (b) ☒ Date prior discipline effective January 5, 2008
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: 2 counts of RPC 3-110(A); 4 counts of B&P 6068(m); 1 count of RPC 3-700(D)(1); 1 count of B&P 6104
 - (d) ☒ Degree of prior discipline 60 Day Actual Suspension
 - (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:

See Stipulation Attachment, section "C", page 7, paragraph 1.
- (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. See Stipulation Attachment, section "C", page 7-8, paragraph 2.
- (5) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See Stipulation Attachment, section "C", page 8, paragraph 3.

- (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:

None.

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. See Stipulation Attachment, section "D", page 8, paragraph 1.
- (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.

(Do not write above this line.)

(13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

None.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.
- (2) ☐ **Restitution:** Respondent must make restitution to in the amount of \$ plus 10 percent interest per year from . If the Client Security Fund has reimbursed for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JUDITH A. CENTERS, SBN 150247

CASE NUMBER(S): 09-N-11262-RAP

A. 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 July 12, 2010 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.

B. FACTS AND CONCLUSIONS OF LAW.

JUDITH A. CENTERS ("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.

Statement of Facts:

1. Respondent was admitted to the practice of law in the State of California on December 5, 1990, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. On December 19, 2008, the California Supreme Court filed Order No. S156899 in State Bar Court case number 08-PM-12377.
3. California Supreme Court Order No. S156899 included a requirement that Respondent comply with Rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) of that rule within thirty (30) days after the effective date of the order.
4. California Supreme Court Order No. S156899 included a requirement that Respondent comply with Rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (c) of that rule within forty (40) days after the effective date of the order.
5. Notice of California Supreme Court filed Order No. S156899 was properly served upon Respondent in the manner prescribed by Rule 9.18(b), California Rules of Court.

6. Notice of California Supreme Court filed Order No. S156899 was properly served upon Respondent at the address Respondent maintained with the State Bar of California in accordance with Business and Professions Code section 6002.1, subdivision (a).

7. Respondent received California Supreme Court filed Order No. S156899.

8. California Supreme Court Order No. S156899 became effective on January 18, 2009, thirty (30) days after it was filed.

9. California Supreme Court filed Order No. S156899 has remained in full force and effect at all times after January 18, 2009.

10. Pursuant to California Supreme Court filed Order No. S156899, Respondent was ordered to comply with subdivision (a) of Rule 9.20, California Rules of Court, no later than February 17, 2009.

11. Pursuant to California Supreme Court filed Order No. S156899, Respondent was ordered to comply with subdivision (c) of Rule 9.20, California Rules of Court, no later than February 27, 2009.

12. Respondent failed to file with the clerk of the State Bar Court a declaration of compliance with Rule 9.20 (a) and (b), California Rules of Court, as required by Rule 9.20 (c), California Rules of Court.

Conclusion of Law:

13. By not filing a declaration of compliance with Rule 9.20 in conformity with the requirements of Rule 9.20(c), California Rules of Court, Respondent failed to timely comply with the provisions of California Supreme Court Order No. S156899 requiring compliance with Rule 9.20, California Rules of Court. By the foregoing conduct, Respondent willfully violated Rule 9.20, California Rules of Court.

C. FACTS SUPPORTING AGGRAVATION.

1. Respondent's Second Prior Record of Discipline:¹

a. State Bar Court case number of prior case: 08-PM-12377

b. Date prior discipline effective: January 18, 2009

c. Rules of Professional Conduct/State Bar Act violations: B&P 6068(k)

d. Degree of prior discipline: One-year actual suspension

2. Respondent's failures to appear at the initial status conference, voluntary settlement conference and pretrial conference in this disciplinary proceeding and Respondent's

¹ Standard 1.2(b)(i).

continued failure to comply with the subject 9.20 order, an order of the highest court in this State, is significant harm to the administration of justice.²

3. Respondent has demonstrated indifference toward rectifying her misconduct.³ Respondent has denied culpability for her failure to file a 9.20(c) affidavit of compliance. In addition, Respondent continues to fail to comply with rule 9.20 even after the filing of the Notice of Disciplinary Charges herein.

D. FACTS SUPPORTING MITIGATION.

1. Respondent cooperated with the State Bar in that she has stipulated to facts, conclusions of law and level of discipline.⁴

E. AUTHORITIES SUPPORTING DISCIPLINE.

Applicable Standards:

In *In re Silvertown*⁵, the California Supreme Court held that the Standards are entitled to "great weight" and the Court will "not reject a recommendation arising from the Standards unless [it has] grave doubts as to the propriety of the recommended discipline." The Standards are not binding but "they promote the consistent and uniform application of disciplinary measures."⁶ The "presumptively appropriate level of discipline" for any misconduct is as set forth in the Standards.⁷

The primary purposes of disciplinary proceedings are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession.⁸

Although no Standard specifically addresses a violation of Rule 9.20, California Rules of Court, the misconduct inherent in its violation is most closely analogous to a violation of section 6103 which is addressed by Standard 2.6.

Standard 2.6 provides that the culpability "...of a member of a violation of [section 6103] shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3...". In addition, rule 9.20, subdivision (d) provides that a "...willful failure to comply with the provisions of this rule is a cause for disbarment or suspension. Thus, by its own terms, rule 9.20 provides the range of discipline which coincides with the range of discipline required under Standard 2.6 discussed above.

² Standard 1.2(b)(iv).

³ Standard 1.2(b)(v).

⁴ Standard 1.2(e)(v).

⁵ (2005) 36 Cal. 4th 81, 92.

⁶ *Id.*

⁷ See *Morgan v. State Bar* (1990) 51 Cal.3d 598, 607.

⁸ Standard 1.3.

Aggravating & Mitigating Circumstances:

Standard 1.2(b) provides for a greater degree of sanction set forth in the standards where aggravating circumstances exist. First, pursuant to *Standard 1.2(b)(i)*, Respondent has two prior records of discipline that are not remote in time and involved serious misconduct such as a failure to perform legal services competently and a failure to communicate with or respond to a client followed by a failure to comply with probation or pay restitution. Second, pursuant to *Standard 1.2(b)(iv)*, Respondent's failures to appear at the initial status conference, voluntary settlement conference and pretrial conference in this disciplinary proceeding and Respondent's continued failure to comply with the subject 9.20 order, an order of the highest court in this State, is significant harm to the administration of justice. Third, pursuant to *Standard 1.2(b)(v)*, Respondent has demonstrated indifference toward rectifying her misconduct. Respondent has denied culpability for her failure to file a 9.20(c) affidavit of compliance. In addition, Respondent continues to fail to comply with rule 9.20 even after the filing of the Notice of Disciplinary Charges herein.

Standard 1.2(e) provides for a more lenient degree of sanction than set forth in the standards where mitigating circumstances exist. First, pursuant to *Standard 1.2(e)(v)*, Respondent cooperated with the State Bar in that she has stipulated to facts, conclusions of law and level of discipline.

Caselaw:

In *Bercovich v. State Bar*,⁹ the attorney filed a belated declaration attempting to justify his failure to comply with rule 9.20. The attorney argued that his inaction was based on emotional and medical problems. Also, the attorney had been active and involved in bar activities and had even been judge pro tempore of the municipal court. However, neither this evidence nor the other evidence the attorney offered in mitigation were found by the Supreme Court to justify discipline less than disbarment. In particular, the Supreme Court stated that the attorney's untimeliness in the State Bar Court proceedings raised "a serious question as to his ability and fitness to practice law."¹⁰ Further, with respect to the attorney's attributing his failure to comply with rule 9.20 due to emotional and medical issues, the Supreme Court noted that "if we accept petitioner's claim of emotional paralysis, we must ask whether he can now practice law in accordance with the standards of professional conduct."¹¹ Ultimately, the Supreme Court found that the "...State Bar's finding that he willfully violated our order is amply supported by the evidence."¹²

In *the Matter of Rodriguez*¹³, which involved an attorney who was found to have wilfully failed to comply with rule 9.20. In addition, in numerous matters, the attorney misappropriated clients' cost advances by unilaterally satisfying his claim for fees, was grossly negligent in

⁹ (1990) 50 Cal.3d 116.

¹⁰ *Id.* at 132.

¹¹ *Id.*

¹² *Id.* at 119.

¹³ (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 480.

supervising trust funds, practiced law while under suspension, threatened criminal or administrative charges to gain a civil advantage and even misled a superior court judge regarding his inability to attend an earlier hearing. In addition, the attorney violated his probation in two respects. However, the Review Department found that the attorney's "...wilful violation of rule 9.20, standing alone, would warrant disbarment under guiding decisions."¹⁴

Therefore, after consideration the applicable Standards, aggravating and mitigating circumstances and relevant caselaw, Respondent's misconduct warrants disbarment. Further, the State Bar urges that in the instant matter, the Court should recognize that the terms of rule 9.20, subdivision (d), requires Respondent's disbarment.

F. COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of January 5, 2011, the estimated prosecution costs in this matter are approximately \$1,886.35. Respondent acknowledges that this figure is an estimate only. 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.

G. PENDING PROCEEDINGS.

The disclosure date referred to on page two, paragraph A.(7) was January 5, 2011.

¹⁴ *Id.* at 487.

(Do not write above this line.)

In the Matter of:
JUDITH A. CENTERS

Case number(s):
09-N-11262-RAP

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, Conclusions of Law, and Disposition.

Date _____

Respondent's Signature

Judith A. Centers

Print Name _____

Date _____

Respondent's Counsel Signature

Print Name _____

Date _____

Deputy Trial Counsel's Signature

Ashod Mooradian

Print Name _____

(Do not write above this line.)

In the Matter of:
JUDITH A. CENTERS

Case Number(s):
09-N-11262-RAP

DISBARMENT 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 5.58(E) & (F), 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.)**

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

1-18-11

Judge of the State Bar Court

RICHARD A. HONK

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

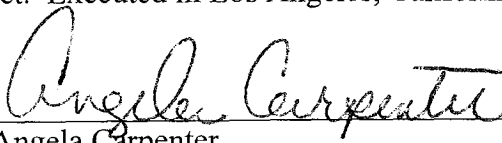
I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 20, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT
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 CENTERS
LAW OFC JUDITH A CENTERS
P O BOX 1926
LA MIRADA CA 90637-1926
- ☐ 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:

ASHOD MOORADIAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 20, 2011.


Angela Carpenter
Case Administrator
State Bar Court