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

**PUBLIC MATTER**

<p>Counsel For The State Bar</p> <p>Monique T. Miller Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1486</p> <p>Bar # 212469</p>	<p>Case Number (s)</p> <p>09-O-13928</p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p>JUL 02 2010</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>kwiktag<sup>®</sup> 018 039 508</p> 
<p>In Pro Per Respondent</p> <p>Robin Chandler Carr 3065 Rosecrans Place, Ste.#200 San Diego, CA 92110 (619) 578-2911</p>	<p>Submitted to: <b>Program Judge</b></p> <p><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 154023</p> <p>In the Matter Of: ROBIN CHANDLER CARR</p> <p>Bar # 154023</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 September 23, 1991.
- (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 eight pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

- (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) 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.
- (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 08-PM-10681 (\$150150)
  - (b)  Date prior discipline effective November 2, 2008
  - (c)  Rules of Professional Conduct/ State Bar Act violations: B&P 6093(b)
  - (d)  Degree of prior discipline 1 year stayed suspension, 2 years probation, and 60 days actual suspension
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below:  
06-H-12155 (\$150150): effective May 13, 2007- violations of conditions of Private reproof, RPC 110.  
1 year stayed suspension, 2 years probation, and MPRE.  
04-O-15587: Private Reproof, effective May 4, 2005. Violations of B&P 6068(j) for failing to comply with B&P 6002.1 and 6068(a) by violating B&P 6125 and 6126. 1 year probation and Ethics.
- (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. (i) Due to the state of the economy in 2009, Respondent has only been receiving regular monthly payments from about 20% of her immigration clients; (ii) in late June 2009, the engine of Respondent's car blew a head gasket. The lack of money to repair or replace her car and inadequate local public transportation resulted in Respondent's inability to meet with Dr. Boscan from June through September 2009.
- (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.

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

**Additional mitigating circumstances:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

IN THE MATTER OF:                      ROBIN CHANDLER CARR

CASE NUMBER:                            09-O-13928

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

The parties hereby waive any variance between the Notice of Disciplinary Charges (“NDC”) filed on October 14, 2009 in Case No. 09-O-13928, and the facts and conclusions of law contained in this stipulation.

Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges relating to the case that is the subject matter of this stipulation.

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.

**CASE NO. 09-O-13928**

**FACTS**

1. On November 15, 2006, Respondent entered into a stipulation regarding facts, conclusions of law, and disposition in State Bar court case no. 06-H-12155.

2. On April 13, 2007, the California Supreme Court filed its Order in Supreme Court Case No. S150150 approving the stipulation signed by Respondent in Case No. 06-H-12155. The Court ordered that Respondent be suspended from the practice of law for one year, that execution of the suspension be stayed, and that Respondent be placed on probation for two years with conditions (the “First Supreme Court Order”).

3. On April 13, 2007, the California Supreme Court clerk served a copy of the Supreme Court Order on Respondent by mail. Respondent received a copy of the Supreme Court Order. The Supreme Court Order was effective May 13, 2007.

4. On May 27, 2008, due to Respondent’s failure to comply with all conditions of probation imposed by the Supreme Court Order in Case No. S150150 (State Bar Case no. 06-H-12155), the Hearing Department of the State Bar Court filed an order revoking Respondent’s probation. The Hearing Department lifted the previously stayed one year suspension, actually suspended the Respondent for 60 days, suspended the Respondent for one year, stayed, and placed the Respondent on probation for two years with conditions.

5. On October 3, 2008, the California Supreme Court filed its second Order in Case No. S150150 (the “Second Supreme Court Order”).

6. On October 3, 2008, the California Supreme Court clerk served a copy of the Second Supreme Court Order on Respondent by mail. Respondent received a copy of the Order. The Order was effective November 2, 2008.

7. The Court adopted the disciplinary recommendations and probation conditions imposed by the Hearing Department in its May 27, 2008 decision. As conditions of probation, the Court ordered Respondent to do the following:

- a. comply with the State Bar Act and the Rules of Professional Conduct during the probation period;
- b. promptly answer any inquiries by the Office of Probation ("Probation") regarding compliance with probation conditions;
- c. maintain a current home address with Probation throughout the term of the probation;
- d. submit written quarterly reports to Probation on each January 10, April 10, July 10 and October 10 of the period of probation, certifying under penalty of perjury whether Respondent had complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter, and to file a final report containing the same information no earlier than twenty days prior to the expiration of the probation period and no later than the last day of probation;
- e. provide medical waivers to Probation;
- f. provide a mental health evaluation and treatment plan within forty days of the effective date of discipline, specifically by December 12, 2008 ("treatment plan");
- g. comply with all mental health treatment plans developed by Respondent's licensed psychiatrist, psychologist or other approved mental health professional, pursuant to the mental health evaluation and treatment plan ("mental health conditions");
- h. submit, along with each quarterly report, a written status report from all treatment providers indicating whether Respondent has complied with the mental health treatment plan during the preceding quarter ("mental health report").

8. Respondent violated conditions of her probation and failed to promptly respond to inquiries by Probation regarding compliance with probation conditions as follows:

- a. The Office of Probation wrote to Respondent on February 3, 2009 instructing Respondent to provide her home address to Probation by March 1, 2009. Respondent did not submit her home address to the Office of Probation until September 22, 2009.

- b. The Office of Probation wrote to Respondent on February 3, 2009 instructing Respondent to submit a medical waiver by March 1, 2009. Respondent did not provide the medical waiver until September 22, 2009.
- c. On May 14, 2009, the Office of Probation wrote to Respondent reminding her of the conditions of her probation and informing her of her non compliance. Respondent failed to timely respond to this letter or promptly rectify her non compliance with the Office of Probation. Respondent did not submit a response to Probation until September 22, 2009.

9. Respondent failed to timely file all quarterly reports. Respondent did not file the quarterly report due by April 10, 2009 until May 6, 2009. Respondent did not file the quarterly report due by July 10, 2009 until September 22, 2009.

10. Respondent failed to timely submit the treatment plan due on December 12, 2008. Respondent did not submit the plan until January 9, 2009.

11. Respondent failed to timely submit the mental health report due on April 10, 2009. Respondent did not submit the report until September 22, 2009.

12. Respondent failed to timely submit the mental health report due on July 10, 2009.

13. The treatment plan submitted by Respondent provided that Respondent would attend hour long sessions with Dr. Boscan on a weekly basis.

14. The mental health report submitted by Respondent on October 9, 2009 indicates that Respondent has not attended weekly, hour long sessions with Dr. Boscan in May and June of 2009. Further, the report indicates that Respondent did not attend any sessions with Dr. Boscan in July, August or September of 2009. As such, Respondent has not complied with the mental health conditions of her probation.

#### CONCLUSIONS OF LAW

15. By failing to (1) timely provide her home address to Probation; (2) timely provide a medical waiver to Probation; (3) promptly respond to all inquiries by Probation; (4) timely submit the treatment plan; (5) timely submit all quarterly reports; (6) timely submit all mental health reports; and (7) comply with all mental health conditions of probation; Respondent willfully failed to comply with all conditions attached to any disciplinary probation in violation of section 6068(k) of the Business and Professions Code.

#### **PENDING PROCEEDINGS.**

On December 14, 2009, Respondent was notified that there are no additional State Bar investigations pending against her.

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In the Matter of ROBIN CHANDLER CARR  Bar # 154023	Case number(s):  09-O-13928
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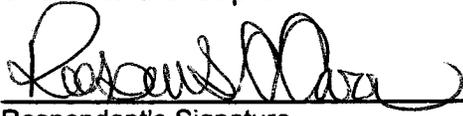
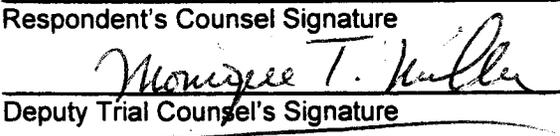
### SIGNATURE OF THE PARTIES

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.

<u>12/18/09</u> Date	 Respondent's Signature	Robin Chandler Carr Print Name
<u>Dec. 18, 2009</u> Date	 Deputy Trial Counsel's Signature	Monique T. Miller, DTC Print Name

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In the Matter Of <b>ROBIN CHANDLER CARR</b>  Bar # 154023	Case Number(s):  <b>09-O-13928</b>
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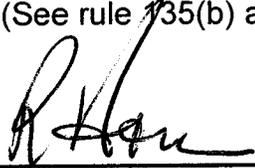
**ORDER**

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 735(b) and 802(a), Rules of Procedure.)

7/2/10  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court  
**RICHARD A. HONN**

## CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 7, 2010, I deposited a true copy of the following document(s):

### STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

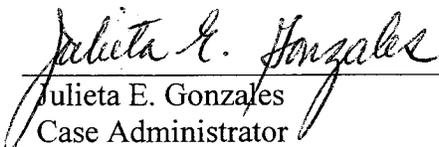
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ROBIN C CARR ATTORNEY AT LAW  
4903 70TH ST  
SAN DIEGO, CA 92115

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

Monique T. Miller, Enforcement, Los Angeles

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

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court