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**State Bar Court of California
Hearing Department
San Francisco
STAYED SUSPENSION**

Counsel For The State Bar Wonder J. Liang Deputy Trial Counsel 180 Howard Street San Francisco, California 94105 (415)538-2372 Bar # 184357	Case Number(s): 09-O-14267-LMA [09-O-16483] MATTERS NOT FILED: 10-O-8642 11-O-11809	For Court use only PUBLIC MATTER FILED <i>ADS</i> JUN 10 2011 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Ronald J. Britt 9988 Niblick Drive, #3 Roseville, California 95678 (916) 641-5551 Bar # 60664	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: RONALD J. BRITT Bar # 60664 A Member of the State Bar of California (Respondent)		

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 16, 1974.
- (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 13 pages, not including the order.



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- (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 are added to membership fee for calendar year following effective date of discipline.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2012 and 2013. (Hardship; special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are 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. Respondent's misconduct harmed significantly his client and the administration of justice in the Holworth and Ueyama Matters.
- (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. Respondent has no prior record discipline in his approximate 34 years of practice before these instances.
- (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. In 2004, respondent's eldest son was diagnosed with a kidney disease and is currently awaiting a kidney transplant. In August 2008, respondent's father died. In December 2009, respondent was severely injured in a motor vehicle accident and required eye surgery in March 2011.

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- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

D. Discipline:

(1) ☒ **Stayed Suspension:**

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

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.

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- (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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RONALD J. BRITT

CASE NUMBER(S): 09-O-14267-LMA [09-O-16483]
MATTERS NOT FILED: 10-O-8642; 11-O-11809

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 09-O-14267 (Complainant: Lynn Carlson)

Facts: Case No. 09-O-14267: Counts One and Two:

1. On or about October 13, 2008, Lynn Carlson ("Carlson") employed respondent to prepare a revocable trust instrument and transfer Carlson's property into the trust on an expedited basis. Carlson paid respondent \$1,250.00 for this service. Carlson's home was a primary piece of property to be transferred into the trust.
2. Thereafter, respondent failed to promptly transfer Carlson's home into the trust.
3. On several occasions including on or about January 21, 2009, February 27, 2009, March 9, 2009, March 30, 2009, and August 14, 2009, Carlson left messages asking respondent to provide Carlson with information regarding the status of his request that his home be transferred into trust and to otherwise contact him regarding his matter. Respondent received these messages but did not respond to them.
4. By on or about May 28, 2009, the State Bar was conducting an inquiry and investigation into a complaint filed by Carlson concerning allegations that respondent failed to diligently perform legal services on Carlson's behalf in relation to the revocable trust.
5. On or about May 28, 2009, June 30, 2009 and September 11, 2009, the State Bar contacted respondent by letter concerning Carlson's complaint; respondent received each of these letters shortly after they were sent to him.
6. Respondent transferred Carlson's home into the trust on or about November 24, 2009.

Conclusions of Law: Case No. 09-O-14267: Counts One and Two:

7. By delaying until on or about November 24, 2009, to transfer Carlson's home into trust, respondent recklessly and repeatedly failed to perform legal services with competence in violation of rule 3-110(A) of the Rules of Professional Conduct.

8. By failing to respond to Carlson's requests for information about the transfer of his home into trust or otherwise, respondent failed to respond promptly to reasonable status inquiries of a client in violation of section 6068(m) of the Business and Professions Code.

Case No. 09-O-16483 (Complainant: Kerry Holsworth)

Facts: Case No. 09-O-16483: Count Three:

9. On or about October 27, 2008, Kerry Holsworth ("Holsworth") employed respondent to represent him in a domestic partnership dissolution, replacing another lawyer. Specifically, respondent was hired to file appropriate pleadings and otherwise advance the dissolution on behalf of Holsworth, and to negotiate a division of the partnership property. Holsworth paid respondent \$5,000.00 in advanced fees for this service.

10. Thereafter respondent performed no services of value to Holsworth in relation to the dissolution matter, or otherwise. Specifically, with the exception of a form motion to relieve Holsworth's original counsel, respondent filed no pleadings on Holsworth's behalf, and he took no action of substance to advance Holsworth's position in relation to the dissolution or to negotiate the division of partnership property.

Conclusions of Law: Case No. 09-O-16483: Count Three:

11. By failing to provide any services of value to Holsworth, respondent recklessly failed to perform legal services with competence in violation of rule 3-110(A) of the Rules of Professional Conduct.

Facts: Case No. 09-O-16483: Count Four:

12. The facts of Count Three are hereby incorporated by this reference.

13. On or about June 18, 2009, Holsworth contacted respondent by letter, which was received by respondent shortly after it was mailed. In this letter, Holsworth discharged respondent and requested a

refund of the \$5,000 in advanced attorney's fees. Because respondent performed no services of value to Holsworth, the entire sum of \$5,000 was unearned.

14. On December 27, 2010, respondent sent a Cashier Check in the amount of \$5,000 as a refund for the advanced fees paid to him by Holsworth.

Conclusions of Law: Case No. 09-O-16483: Count Four;

15. By failing to promptly refund the \$5,000 in advanced fees paid to him by Holsworth after his discharge from employment, respondent failed to refund promptly any part of a fee paid in advance that has not been earned in violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 10-O-8642 (Complainant: Gordon Harper) [NOT FILED]

Facts: Case No. 10-O-8642:

16. On or about April 15, 2009, Gordon Harper ("Harper") hired respondent to represent him in a family law matter entitled, *Harper v. Harper*, Sacramento County Superior Court, case no. 09FL2339..

17. Harper subsequently paid \$5000 to respondent.

18. The petition in the family law matter was filed by Harper's then wife on April 7, 2009.

19. Respondent did not file Harper's response to the petition until October 4, 2010.

20. During the pendency of Harper's matter, respondent failed to respond to numerous voice messages, text messages and emails from Harper regarding the status of the case until in or around March 2011.

21. On April 15, 2011, the court filed its Notice of Entry of Judgment – Dissolution in *Harper*.

Conclusions of Law: Case No. 10-O-8642:

22. By failing to timely respond to the petition, respondent recklessly and repeatedly failed to perform legal services with competence in violation of rule 3-110(A) of the Rules of Professional Conduct.

23. By failing to respond to numerous voice messages, text messages and emails from Harper until in or around March 2011, 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 violation of section 6068(m) of the Business and Professions Code.

Case No. 11-O-11809 (Complainant: Kathy Ueyama) [NOT FILED]

Facts: Case No. 11-O-11809:

24. On February 9, 2009 Kathy Ueyama ("Ueyama") hired respondent to handle an elder abuse/fraud case against her brother. Ueyama alleged that her brother sold their mother's property and depleted the funds. Ueyama paid respondent \$5,000 in advance for fees.

25. Respondent did not provide Ueyama with a written fee agreement.

26. Between February 2009 and April 2009, Ueyama placed several telephone calls to respondent to inquire regarding the status of her case. Respondent failed to return Ueyama's telephone calls.

27. Ueyama met with respondent in June 2009, at which time respondent apologized for not having performed any services and assured Ueyama that he would attend to her matter.

28. After not hearing from respondent since the meeting in June 2009, in the fall of 2009 Ueyama made numerous telephone calls to and left messages for respondent. However, respondent did not respond to Ueyama's messages.

29. Ueyama then contacted respondent's former secretary, who arranged a meeting for Ueyama with respondent. The meeting took place on December 23, 2009.

30. At the meeting, Ueyama learned that Respondent had failed to complete any work on the fraud case. Instead, respondent recommended filing a probate case with Ueyama as the executor. Respondent requested that Ueyama provide him with her mother's original will and told her that he would file the probate case in early January 2010. They agreed that Ueyama would bring the will to respondent at his office the following day.

31. On December 24, 2009, Ueyama presented at respondent's office at the appointed time with a packet which included the original will and other relevant documents, however, respondent's office was deserted. Ueyama was forced to leave the packet with the secretary of another tenant. Ueyama later confirmed with respondent that he had received the packet.

32. Thereafter, respondent failed to communicate any further with Ueyama.

33. Beginning in or about February 2010, Ueyama began calling respondent to inquire regarding the status of her matter. Ueyama made multiple calls to, and left messages for, respondent, however he did not respond.

34. Respondent did not complete any work on the probate case or perform any services of value for which he had been hired to do by Ueyama.

35. Ueyama was forced to hire another attorney in May 2010.

36. Ueyama and her new attorney made several requests to respondent for Ueyama's file, particularly the original will, and a refund of the fees paid by Ueyama.

37. On August 10, 2010, respondent had Ueyama's file delivered to Ueyama's new attorney, however the file did not include the original will. Respondent has since declared under penalty of perjury that he misplaced the original will.

38. On May 25, 2011, respondent delivered to Ms. Ueyama's current counsel a Cashier's Check payable to Ms. Ueyama in the amount of \$5,000.

Conclusions of Law: Case No. 11-O-11809:

39. By failing to pursue the elder abuse/fraud action or the probate case for which Ueyama hired him to do, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in violation of rule 3-110(A) of the Rules of Professional Conduct.

40. By failing to respond to Ueyama's telephone calls between February 2009 and April 2009, the fall of 2009, and the beginning of February 2010, 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 violation of section 6068(m) of the Business and Professions Code.

41. By failing to return Ueyama's files until August 10, 2010, despite repeated requests, respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

42. By failing to perform any services of value in Ueyama's matter, after having receiving advanced payment, respondent failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rule 3-700(D)(2) of the Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was May 17, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.4(b) provides that culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully 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.

COSTS OF DISCIPLINARY PROCEEDINGS.

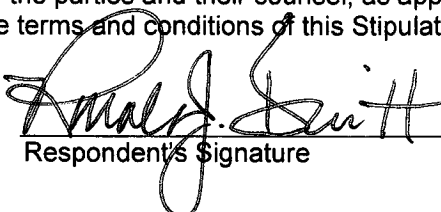
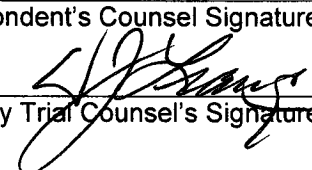
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 17, 2011, the prosecution costs in this matter are \$3,654.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: RONALD J. BRITT, SBN 60664	Case number(s): 09-O-14267-LMA, ET AL.
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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, Conclusions of Law, and Disposition.

<u>05/25/2017</u> Date	<u></u> Respondent's Signature	<u>Ronald J. Britt</u> Print Name
<u>5/25/2011</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>N/A</u> Print Name
		<u>Wonder J. Liang</u> Print Name

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In the Matter of:

RONALD J. BRITT,
SBN 60664

Case Number(s):

09-O-14267-LMA, ET AL.

STAYED SUSPENSION 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.)**

Date

June 10, 2011

Pat McElroy

Judge of the State Bar Court

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 San Francisco, on June 10, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING

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

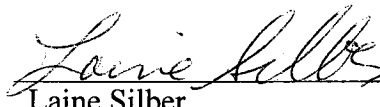
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

RONALD JOSEPH BRITT
LAW OFFICES OF RONALD J. BRITT
9988 NIBLICK DR STE 3
ROSEVILLE, CA 95678 - 7018

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

WONDER LIANG, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 10, 2011.



Laine Silber
Case Administrator
State Bar Court