

<div><div><div>035 131 805</div></div><div><div>State Bar Court of California</div><div>Hearing Department</div><div>Los Angeles</div></div><div>PUBLIC MATTER</div></div>		
<div>Counsel For The State Bar</div> <div>Bitu Shasty</div> <div>1149 S. Hill Street</div> <div>Los Angeles, California 90015-2299</div> <div>Bar # 225177</div>	<div>Case Number (s)</div> <div>09-O-14283</div>	<div>(for Court's use)</div> <div>FILED</div> <div>SEP 20 2010</div> <div>STATE BAR COURT</div> <div>CLERK'S OFFICE</div> <div>LOS ANGELES</div>
<div>In Pro Per Respondent</div> <div>Patricia G. Gittelson</div> <div>6819 Sepulveda Blvd. Ste. 304</div> <div>Van Nuys, California 91405-4464</div> <div>Bar # 67676</div>	<div>Submitted to: Settlement Judge</div>	
<div>In the Matter Of:</div> <div>PATRICIA G. GITTELSON</div> <div>Bar # 225843</div> <div>A Member of the State Bar of California</div> <div>(Respondent)</div>	<div>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</div> <div>ACTUAL SUSPENSION</div> <div><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</div>	

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 on June 7, 2003.
- (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 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."
- (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):
- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years: Two billing cycles following the effective date of the Supreme Court Order.
(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 05-O-00884
 - (b) ☒ Date prior discipline effective June 28, 2006
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 3-700 (D)(2), 4-100(A) and 4-100(B)(3)
 - (d) ☒ Degree of prior discipline Public Reprimand
 - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below.

Case No. 06-O-11096
Date Effective: February 25, 2009
Rules of Professional Conduct, rule 3-100(A) and Business & Professions Code, section 6090.5(a)(2).
Two Years Suspension, Stayed
- (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. See Attachment Page 9
- (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 2 years.
- 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:
- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent must be placed on probation for a period of 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)

- (3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of 6 months.
- 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:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

- (3) ☒ 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.
- (4) ☒ 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.
- (5) ☒ 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.

- (6) ☐ 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.
- (7) ☒ 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.
- (8) ☒ 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 Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ 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.
- (10) ☐ 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 during the period of actual suspension or within one year, whichever period is longer. **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) ☒ **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.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she 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 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PATRICIA G. GITTELSON

CASE NUMBER(S): 09-O-14283

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING

FACTS AND CONCLUSIONS OF LAW.

Respondent Patricia G. Gittelson ("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.

FACTS

1. On July 3, 2008, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in Case No. 06-O-11096.
2. On August 4, 2008, the Hearing Department of the State Bar Court filed an Order approving the Stipulation and recommending, inter alia, that Respondent be placed on a stayed suspension of two years with two years probation and other conditions (the "Hearing Department Order").
3. On August 4, 2008, the Hearing Department Order was properly served upon Respondent at her membership records address. Respondent received the Order and was aware of the Hearing Department Order and its contents.
4. On January 26, 2009, the California Supreme Court filed an Order in Case No. S167968 (State Bar Court Case No. 06-O-11096) (the "Supreme Court Order"), ordering that Respondent be placed on a stayed suspension of two years with two years probation, subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in the Hearing Department Order.
5. The Supreme Court Order and the stayed suspension became effective on February 25, 2009. Respondent was served with and received the Supreme Court Order.

6. Respondent did not comply with the following conditions of probation as ordered by the Supreme Court.

7. Respondent did not contact the Office of Probation to schedule the initial meeting due by March 27, 2009 until May 20, 2009.

8. Respondent did not submit proof of past payments made to Gonzalez and current amounts owed to Gonzalez to the Office of Probation.

9. Respondent's Law Office Management/Organization Plan, due by March 27, 2009, was not submitted and approved until May 20, 2009.

10. Respondent did not submit the Quarterly Report due April 10, 2009 until May 1, 2009.

11. Respondent did not submit Quarterly Reports due on July 10, 2009, October 10, 2009 until January 4, 2010.

12. Respondent was late in filing proof of monthly payments to Gonzales with the Office of Probation twelve times.

13. Respondent failed to file proof of her completion of six hours of MCLE with the Office of Probation.

CONCLUSIONS OF LAW (COUNT ONE)

14. By failing to comply with the conditions of her disciplinary probation as set forth above, Respondent willfully violated Business and Professions Code, section 6068(k).

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 13, 2010, the approximate costs in this matter is \$2,296.00. 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.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was May 5, 2010.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Standard 1.2(b)(i))

Respondent has two (2) prior impositions of discipline. In case nos. 05-O-00884, Respondent received Public Reprimand, for violations of three counts of Rules of Professional Conduct 3-700(D)(2), 4-100(A), and 4-100(B)(3).

In case no. 06-O-11096 Respondent received two (2) years stayed suspension with two years of probation for violation of California Rules of Professional Conduct, Rule 3-110(A) and Business and Professions Code, section 6090.5(a)(2).

Multiple Acts of Misconduct (Standard 1.2(b)(ii))

Respondent committed multiple acts of misconduct by violating numerous conditions of her probation including failing to timely file quarterly reports, the Law Office Management Plan, proof of \$500 monthly payments to Gonzales and failing to file proof of completion of six MCLE hours.

MITIGATING CIRCUMSTANCES

Family Problems

Respondent has provided the Office of Chief Trial Counsel with documentation establishing medical issues with family members for which she is the primary caretaker. Respondent's father broke his back last year and was hospitalized resulting in a long hospital stay and who is now bed ridden. Respondent's sister has had to undergo two hip replacements in the past year and Respondent has been in charge of taking care of her appointments by driving her to them. This has also resulted in a higher burden on her as far as taking care of her father since her sister is not available or capable due to her own medical issues. Furthermore, Respondent's father in law was hospitalized numerous times and has had to be taken to out-patient treatment several days per week for most of 2009.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3, Title IV, Standards for Attorney Sanctions for Professional Misconduct, provides that the primary purposes of the disciplinary system 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."

Recently, the Supreme Court emphasized the importance of the standards and held that great weight should be given to the application of the standards in determining the appropriate

level of discipline. The Court indicated that unless it has “grave doubts as to the propriety of the recommended discipline,” it will uphold the application of the standards. *In re Silverton* (2005) 36 Cal. 4th 81, 91-92.

However, the Court in *Silverton* also indicated that the State Bar may deviate from the Standards where there exists grave doubt as to the propriety of applying them in a particular case. (*Silverton* 36 Cal. 4th at 92.) For example, deviation from the *Standards* may be appropriate where extraordinary circumstances exist or where the imposition of discipline called for by the Standards would be manifestly unjust.

Standard 1.7(b) addresses the effect of prior discipline and states:

“If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding **shall be disbarment** unless the most compelling mitigating circumstances clearly predominate.”

The parties submit it would be manifestly unjust to apply Standard 1.7(b) in this matter without deviation for the following reasons.

Respondent has not failed to comply with the probation conditions, rather, she has failed to *timely* comply with the conditions. As stated above, Respondent has had to take care of her father, sister and father-in-law’s numerous medical issues in the past year and has spent most of her time at hospitals to help her family members. These factors affected Respondent’s ability to timely comply and are now resolved and no longer an issue.

Standard 2.6(a) provides that Respondent’s violations of Business and Professions Code, section 6068 *shall* result in suspension or disbarment “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.”

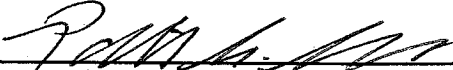
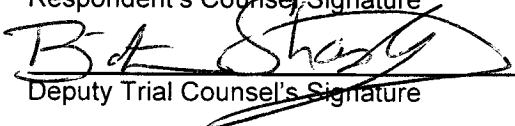
The parties submit that the intent and goals of Standard 1.3 are met in this matter by the imposition of six months actual suspension, with probationary conditions articulated herein, including that Respondent attend Ethics School and take and pass the MPRE.

(Do not write above this line.)

In the Matter of PATRICIA G. GITTELSON, No. 67676	Case number(s): 09-O-14283
---	--------------------------------------

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>9-13-10</u> Date	 Respondent's Signature	<u>PATRICIA GITTELSON</u> Print Name
<u>9-13-10</u> Date	 Deputy Trial Counsel's Signature	<u>BITA SHASTY</u> Print Name

(Do not write above this line.)

In the Matter Of PATRICIA GREENWALD GITTELSON, State Bar number 225843.	Case Number(s): 09-O-14283
---	--------------------------------------

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.)**

9/16/10
Date


Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 20, 2010, 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:

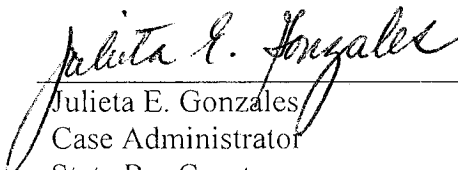
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PATRICIA G GITTELSON ATTORNEY AT LAW
LAW OFC PATRICIA GITTELSON
6819 SEPULVEDA BLVD STE 304
VAN NUYS, CA 91405 - 4464

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

Bitu Shasty, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 20, 2010.


Julieta E. Gonzales
Case Administrator
State Bar Court