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State Bar Court of California
Hearing Department
Los Angeles

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Counsel For The State Bar
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State Bar of California
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Case Number (s)
09-O-19119

(for Court's use)

FILED**JUL 22 2010**

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Bar # **149946**

In Pro Per Respondent

Catherine M. Brame
Law Office Catherine M. Brame
10737 Laurel Street, Suite 105
Rancho Cucamonga, CA 91730
(909) 945-9945

PUBLIC MATTERBar # **130529**Submitted to: **Assigned Judge**

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
 DISPOSITION AND ORDER APPROVING; ORDER OF
 INVOLUNTARY INACTIVE ENROLLMENT

In the Matter of:
Catherine M. Brame

DISBARMENTBar # **130529**☐ PREVIOUS STIPULATION REJECTED

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 11, 1987**.
- (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 **(10)** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs to be awarded to the State Bar
 - ☐ Costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - ☐ Costs 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 220(c).

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
 - (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:
- (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. **Respondent has met with the State Bar and entered into this Stipulation to resolve this matter expeditiously.**
- (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. **Before the onset of the misconduct, Respondent's mother died after a long illness, during which Respondent was her primary caretaker. Respondent also lost one infant and nearly lost another. Respondent suffered a serious car accident which caused her to suffer permanent injuries. After her mother's death, Respondent became responsible for the care of her sick, elderly father, which continues to today. She has lost her family support system and is solely responsible for the care of her two young children.**
- (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: 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 **Mark Naulls and Tracy Sinclair Naulls** in the amount of \$ **43,499.14** plus 10 percent interest per year from **July 25, 2008**. If the Client Security Fund has reimbursed **these individuals** 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 **sixty (60)** days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Client Security Fund Reimbursement:** Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment obligation is enforceable as provided under Business and Professions Code section 6140.5.
- (4) ☒ **Other:** The Attachment to the Stipulation re Facts, Conclusions of Law and Disposition comprises pages 6 through 9.

In the Matter of
Catherine Brame

Case number(s):
09-O-19119

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

(5) a statement that Respondent either

- (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
- (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

July 7, 2010
Date

Catherine M. Brame
Signature

Catherine Brame
Print Name

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

In the Matter of Catherine Margaret Brame, Case No. 09-O-19119

PENDING PROCEEDINGS:

The disclosure date referred to on page two, paragraph A.(7), was June 8, 2010.

FACTS

Respondent admits that the following facts are true and that she is culpable of violations of the specified Rule of Professional Conduct and Business and Professions Code section.

1. On August 6, 2007, Mark Naulls ("Naulls") hired Respondent for his dissolution action. At the time Naulls hired Respondent, he paid her advanced fees of \$4,000. Naulls' wife, Tracye Sinclair Naulls ("Sinclair"), had previously filed a petition for dissolution against Naulls.
2. In summer 2008, a piece of community property which was involved in the dissolution action was sold.
3. On July 23, 2008, New Starr Escrow provided a check in the amount of \$81,169.86 representing the proceeds from the sale of the piece of community property to Respondent, to be held in trust pending the resolution of the property division in the dissolution action. The New Starr Escrow check no. 13662 was made payable to Respondent.
4. On July 25, 2008, Respondent deposited the New Starr Escrow check into a Business Money Market Account at Union Bank, Account No. XXX023 (the "Union Money Market Account") controlled by Respondent. The Union Money Market Account was not a client trust account.
5. Respondent never deposited the client funds related to the Naulls' dissolution action into a client trust account as required by Rule of Professional Conduct 4-100.
6. As of July 31, 2008, the balance in the Union Money Market Account was \$81,186.27.
7. Between August 15, 2008 and August 29, 2008, Respondent made a series of transfers and withdrawals from the Union Money Market Account which were unrelated to the Naulls' dissolution action.
8. By August 29, 2008, the balance in the Union Money Market Account was down to \$40,277.91.
9. Between September 4, 2008 and September 30, 2008, Respondent made a series of transfers and withdrawals from the Union Money Market Account which were unrelated to the Naulls' dissolution action.

10. By September 30, 2008, the balance in the Union Money Market Account was down to \$15.74. By this point, there had been no court approved disbursements from the Union Money Market Account related to the Naulls' dissolution action.

11. On October 1, 2008, Respondent transferred \$35,000 from her general account into the Union Money Market Account.

12. On October 9, 2008, Respondent transferred \$35,151 from the Union Money Market Account into her client trust account, account no. XXX0102, at Union Bank.

13. On that same day, October 9, 2008, Respondent issued check no. 1901 from her client trust account in the amount of \$35,151 pursuant to the parties' stipulation in the Naulls' dissolution action to the Housing Authority.

14. On October 20, 2008, Respondent issued check no. 1902 from her client trust account in the amount of \$419.72 pursuant to the parties' stipulation in the Naulls' dissolution action to Wells Fargo Bank.

15. Before February 2009, Respondent issued a check for \$2,100 to pay IVAM Mediation Services on behalf of Naulls.

16. On December 2, 2009, the court in the Naulls' dissolution action ordered Respondent to turn over the balance of the New Starr Escrow check, which was at that time supposed to be \$43,499.14, to Sinclair's counsel. Respondent failed to do so.

17. On December 18, 2009, the court ordered Respondent to be present in court on December 22, 2009, and to bring all documents relating to the funds in her trust account, including all bank statements.

18. On December 22, 2009, Respondent appeared pursuant to the December 18, 2009 order. Respondent failed to bring all documents related to the funds in her trust account, including all bank statements. At the December 22, 2009 hearing, the court ordered Respondent to bring all documents related to the trust funds to court the next day.

19. On December 23, 2009, Respondent appeared pursuant to the December 22, 2009 order of the court and produced records related to the Naulls' trust funds. Respondent failed to comply with the order to turn over the remaining funds to Naulls' new attorney.

18. Respondent has failed to this date to turn over the remaining proceeds of the New Starr Escrow check, which totaled \$43,499.14 to Naulls and Sinclair, pursuant to the court's December 2, 2009 order.

CONCLUSIONS OF LAW

By failing to deposit the proceeds of the New Starr Escrow check into her client trust account, but instead depositing those funds into the Union Bank Money Market Account, which was not a client trust account, Respondent failed to deposit all funds received or held for the benefit of a client in a trust account in wilful violation of Rule of Professional Conduct 4-100(A).

By failing to promptly turn over the remaining proceeds of the New Starr Escrow check to Sinclair's attorney, as ordered by the court, Respondent failed to pay or deliver, as requested by the client, any funds in her possession which her client was entitled to receive in wilful violation of Rule of Professional Conduct 4-100(B)(4).

By misappropriating the proceeds of the New Starr escrow check received for the benefit of the parties in the Naulls' dissolution action in the amount of \$43,499.14, Respondent committed an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

By failing to turn over the remaining proceeds of the New Starr Escrow check pursuant to the court's December 2, 2009 order, Respondent disobeyed an order of the court requiring her to do an act connected with or in the course of her profession, which she ought in good faith to do, in wilful violation of Business and Professions Code section 6103.

AUTHORITIES SUPPORTING DISCIPLINE

STANDARDS FOR ATTORNEY SANCTIONS

To determine the appropriate level of discipline, the standards provide guidance. *Drociak v. State Bar* (1991) 52 Cal.3d 1085; *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119. A disciplinary recommendation must be consistent with the discipline in similar proceedings. See *Snyder v. State Bar* (1990) 49 Cal.3d 1302. Also, the recommended discipline must rest upon a balanced consideration of relevant factors. *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119.

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct 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.

Pursuant to Standard 2.2(b) of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of wilful misappropriation of entrusted funds or property shall result in disbarment. . . .

Pursuant to Standard 2.3 of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of an act of moral turpitude, fraud or intentional dishonesty toward a court, client or another person . . . shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of

the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Pursuant to Standard 2.6 of the Standards for Attorney Sanctions for Professional Misconduct: Misconduct:

Culpability of a member of a violation of any of the following provisions of the Business and Professions Code 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: . .

(b) Sections 6103 through 6105; . . .

FURTHER AGREEMENTS OF THE PARTIES

The factual statements contained in this Stipulation constitute admissions of fact and may not be withdrawn by either party, except with court approval.

COSTS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed her that as of **June 8, 2010**, the estimated costs in this matter are \$2,060.00. 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.

(Do not write above this line.)

In the Matter of Catherine M. Brame	Case number(s): 09-O-19119
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SIGNATURE OF THE PARTIES

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

7-9-10
Date

Catherine M. Brame
Respondent's Signature

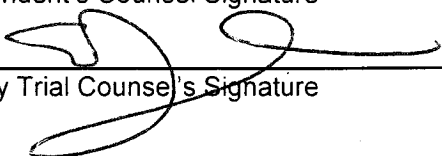
Catherine M. Brame
Print Name

Date

Respondent's Counsel Signature

Print Name

7-9-10
Date


Deputy Trial Counsel's Signature

Erin McKeown Joyce
Print Name

(Do not write above this line.)

In the Matter of
Catherine M. Brame

Case Number(s):
09-O-19119

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.

PAGE 4, SECTION E.(2) - MODIFY SIXTY (60) DAYS TO
READ THIRTY (30) DAYS.

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.)**

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 490(b) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

87-19-12
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 22, 2010, 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:
- CATHERINE M BRAME
LAW OFFICE CATHERINE M BRAME
10737 LAUREL STREET SUITE 105
RANCHO CUCAMONGA CA 91730
- ☐ 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:

ERIN JOYCE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 22, 2010.



Angela Carpenter
Case Administrator
State Bar Court