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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>REPROVAL</b>		
<p>Counsel For The State Bar</p> <p><b>KELSEY J. BLEVINGS</b>  DEPUTY TRIAL COUNSEL  1149 S. Hill Street  Los Angeles, CA, 90015  Tel. (213) 765-1000</p> <p>Bar # 271271</p>	<p>Case Number(s):  10-O-00195-DFM  10-O-05067</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">JUL 01 2013</p> <p style="text-align: center; font-weight: bold;">STATE BAR COURT  CLERK'S OFFICE  LOS ANGELES</p>
<p>Counsel For Respondent</p> <p><b>JAMES I. HAM</b>  Pansky Markle Ham, LLP  1010 Sycamore Ave., Suite 308  South Pasadena, CA, 91030  Tel. (213) 626-7300</p> <p>Bar # 100849</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND  DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of:  <b>JULIE DELIGHT SIONE</b></p> <p>Bar # 231531</p> <p>A Member of the State Bar of California  (Respondent)</p>	<p><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 June 3, 2004.
- (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.

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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 (public reproof).
  - Case ineligible for costs (private reproof).
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2014 and 2015. (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.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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

(Effective January 1, 2011)

Reproof

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- (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.
- (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.

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- (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, p. 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:**

No Prior Discipline. (See attachment, p. 9.)

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproval for a period of one year.
- (2)  During the condition period attached to the reproval, 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.

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- (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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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)  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 of the effective date of the reprobation.

No MPRE recommended. Reason:

- (11)  The following conditions are attached hereto and incorporated:

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

**F. Other Conditions Negotiated by the Parties:**

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In the Matter of: <b>JULIE DELIGHT SIONE</b>	Case Number(s): 10-O-00195-DFM 10-O-05067
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### Law Office Management Conditions

- a.  Within      days/      months/      years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b.  Within      days/      months/      years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than      hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c.  Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:

Within nine months of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than three credit hours of Minimum Continuing Legal Education (MCLE) approved courses in LAW OFFICE MANAGEMENT. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)

Within nine months of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than three credit hours of Minimum Continuing Legal Education (MCLE) approved courses in ATTORNEY-CLIENT RELATIONS. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)



writing to specified allegations of professional misconduct under investigation by the State Bar raised in Wilcox's complaint by no later than February 18, 2010, and March 5, 2010, respectively. Respondent received the letters.

8. On March 2, 2010, the investigator called Respondent who told the investigator she would fax her response that day. Respondent failed to do so.

9. On April 20, 2010, the investigator sent Respondent a follow-up letter requesting a Response by May 4, 2010. Respondent received the letter. Respondent did not provide a response to the allegations until July 21, 2010.

#### CONCLUSIONS OF LAW:

10. By the forgoing, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code section 6068(i).

#### Case No. 10-O-05067 and 10-O-00195 (Agreement In Lieu of Discipline)

#### FACTS:

11. On March 4, 2011, respondent signed an Agreement in Lieu of Discipline ("ALD") with the Office of the Chief Trial Counsel in connection with the Biggs and Wilcox matters. The ALD became effective on March 9, 2011. The effective period for the ALD was one year. Thus, the last day of the ALD's effective period was March 9, 2012.

12. Among other conditions of the ALD, Respondent was required to perform the following acts: a) submit a final written report to the State Bar of California Office of Probation ("Office of Probation") by the last day the ALD's effective period; b) attend State Bar Ethics School by the last day of the ALD's effective period; and c) complete three hours of Minimum Continuing Legal Education ("MCLE") approved courses on law office management and three hours of MCLE approved courses in attorney-client relations within nine months of the date the ALD became effective.

13. On April 21, 2011, the Office of Probation mailed a letter to respondent reminding her of the conditions attached to her ALD and reminding her of the deadlines for complying with those conditions.

14. Respondent violated the terms of her ALD as follows: a) Respondent submitted her final written report to the Office of Probation on April 9, 2012, which was one month after last day of the ALD's effective period; b) Respondent attended Ethics School on March 22, 2013, which was 13 days after the last day of the ALD's effective period; and c) Respondent failed to complete any of the hours of MCLE approved courses in law office management or attorney-client relations.

#### CONCLUSIONS OF LAW:

15. By the foregoing, Respondent failed to keep all agreements made in lieu of disciplinary prosecution with the agency charged with attorney in willful violation of Business and Professions Code section 6068(l).



## ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Respondent was admitted to practice in California in 2004 and has no prior record of discipline. However, since Respondent practiced for only five years prior to her professional misconduct in the Biggs and Wilcox matters and only seven years before her misconduct in failing to fully comply with the terms of the ALD, her lack of a prior record warrants little weight in mitigation. (See *In the Matter of Mitchell* (Review Dept. 1991) 1 Cal State Bar Ct. Rptr. 332 [little mitigative credit accorded to attorney who practiced law for approximately five years at the time of the misconduct because of the short duration of respondent 's practice of law prior to the misconduct].)

**Family Problems:** Respondent's misconduct in the Wilcox matter occurred during a time when she was coping with family problems. Beginning in November 2009, Respondent's father was hospitalized for a terminal illness. Following his hospitalization, Respondent's father came to live with Respondent and she became his primary caregiver. In June 2010, Respondent's father passed away. Her father's illness put great strain on Respondent and diverted her time and attention from participating in the State Bar investigation. (See *In the Matter of Moriarty* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 245, 249-250 [mitigative credit was given for stress arising from the care of an infirmed parent and death of another parent].)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed 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." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Under standard 1.6 (a), where an attorney acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards. Here, Respondent committed three acts of professional misconduct. Standard 2.4 is applicable to Respondent's failure to perform in the Biggs matter. Under Standard 2.4, culpability of an attorney of wilfully failing to perform services in an individual matter warrants a reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client. Standard 2.6 is applicable to Respondent's failure to cooperate in the State Bar investigation and her failure to comply with the terms of her ALD. Under standard 2.6, culpability of an attorney for violating Business and Professions Code sections 6068 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. Section 6068 delineates a broad range of duties with which attorneys must comply.

Here, Respondent failed to comply with her duty to cooperate in a State Bar Investigation and failed to keep an agreement made in lieu of discipline. Respondent's offenses were not severe and caused little harm to the administration of justice. Further, with respect to Respondent's failure to cooperate in the State Bar investigation, Respondent's attention was focused on providing end-of-life care for her father which partially contributed to, but does not excuse, her lack of participation in the investigation. Additionally, Respondent's failure to appear on Biggs' behalf at trial did not result in harm to Biggs since he was able to have the bench warrant recalled at the November 24, 2009 hearing without being taken into custody.

When all the facts and circumstances surrounding Respondent's misconduct are taken into consideration, a deviation from standard 2.6 is warranted and a public reproof will sufficiently serve the purposes of attorney discipline as set forth in standard 1.3.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 3, 2013, the prosecution costs in this matter are approximately \$9,809. 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.

#### **EXCLUSION FROM MCLE CREDIT**


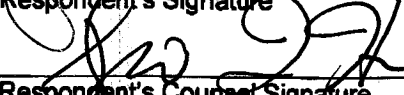
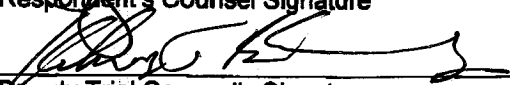
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School or any other educational courses to be ordered as a condition of reproof. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>JULIE DELIGHT SIONE</b>	Case number(s): 10-O-00195-DFM 10-O-05067
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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>6-6-2013</u> Date	 Respondent's Signature	<u>JULIE DELIGHT SIONE</u> Print Name
<u>6-6-2013</u> Date	 Respondent's Counsel Signature	<u>JAMES I. HAM</u> Print Name
<u>6/24/2013</u> Date	 Deputy Trial Counsel's Signature	<u>KELSEY J. BLEVINGS</u> Print Name

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In the Matter of: <b>JULIE DELIGHT SIONE</b>	Case Number(s): 10-O-00195-DFM 10-O-05067
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### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

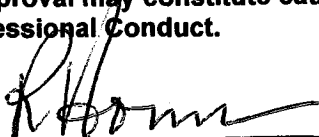
- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

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. (See rule 5.58(E) & (F), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

Date

6/28/13

  
RICHARD A. HONN  
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 Los Angeles, on July 1, 2013, 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:

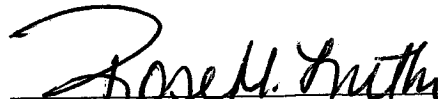
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAMES IRWIN HAM  
PANSKY MARKLE HAM LLP  
1010 SYCAMORE AVE UNIT 308  
SOUTH PASADENA, CA 91030

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

KELSEY BLEVINGS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 1, 2013.



Rose M. Luthi  
Case Administrator  
State Bar Court