

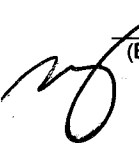
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<b>State Bar Court of California</b>		<b>NOT FOR PUBLICATION</b>
<b>Hearing Department</b>		
<b>Los Angeles</b>		
<b>REPROVAL</b>		
<b>NOT FOR PUBLICATION</b>		
<p>Counsel For The State Bar</p> <p>Kim Kasreliovich 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1378</p> <p>Bar # 261766</p>	<p>Case Number(s): 11-C-14963-RAP</p>	<p>For Court use only</p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;"><b>AUG 16 2012</b></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center;">kwiktag® 152 141 541</p> 
<p>In Pro Per Respondent</p> <p>Irum Miriam Rana 1242 S Barrington Ave #301 Los Angeles, CA 90025</p> <p>Bar # 209803</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>PRIVATE REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Irum Miriam Rana</p> <p>Bar # 209803</p> <p>A Member of the State Bar of California (Respondent)</p>		

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 5, 2000.
- (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 9 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."

 (Effective January 1, 2011)

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- (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: (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
  - (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. See the Stipulation Attachment, page 7 for a discussion of No Prior Discipline.
- (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

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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.
- (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. See the Stipulation Attachment, page 7 for a discussion of Good Character.
- (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:**

See the Stipulation Attachment, page 7 for a discussion of Additional Mitigating Circumstances.

**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 1 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.
- (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 reproval. Under penalty of perjury,

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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: The protection of the public and interests of the Respondent do not require the passage of the MPRE in this case. See In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181.

- (11)  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:**

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

IN THE MATTER OF:                    IRUM MIRIAM RANA

CASE NUMBER(S):                    11-C-14963

**FACTS AND CONCLUSIONS OF LAW.**

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

Case No. 11-C-14963 (Conviction Proceedings)

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. This proceeding resulted from a single conviction on November 29, 2011, of Penal Code section 148(a)(1), a misdemeanor.
3. On April 12, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on whether the misconduct amounted to moral turpitude or other misconduct warranting discipline.

**FACTS:**

4. On May 6, 2011, Respondent was pulled over by the California Highway Patrol for allegedly driving under the influence.
5. Respondent was uncooperative with officers during the stop, including repeatedly and extensively questioning officers, because she believed she was being wrongfully detained.
6. Following a trial, the jury found Respondent not guilty of VC 23152 (a) driving under the influence but convicted Respondent of Penal Code section 148(a)(1), resist, delay or obstruct a peace officer, a misdemeanor.

**CONCLUSIONS OF LAW:**

7. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

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## ADDITIONAL MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to the bar in December 2000 and has more than 10 years of practice without discipline prior to the misconduct.

Good Character: Respondent has provided the State Bar with an extraordinary demonstration of good character attested to by a wide range of references from the legal and general communities who are aware of the full extent of the misconduct.

Respondent provided nine (9) character references including attorneys, a law school professor, business people, and clients, all of whom are aware of Respondent's conviction. The attorneys and law school professor describe Respondent as responsible, reliable and effective. They all attest to her hard work and dedication to the practice of law. The client states that Respondent has always zealously stood up for its legal rights and interests and continues to provide outstanding representation. The pro bono client expressed gratitude to Respondent for spending hundreds of hours to save her small business. Not one person felt that knowing about Respondent's conviction changed their positive opinion of Respondent.

Respondent also provided the State Bar with evidence of her volunteer work in the community. One of her letters came from the Salvation Army where Respondent volunteered from 2004 through 2006 on a weekly basis to feed the homeless. Another letter came from Loyola Law School where Respondent volunteered her time to assist students in a Mock Interview Program in 2002. Additionally, Respondent provided evidence of her participation, also in 2002, in the Mock Trial Program for the Constitutional Rights Foundation. She received a certificate of appreciation signed by the President of the Constitutional Rights Foundation and the President of the Los Angeles County Bar Association. Civic service can be considered mitigation as evidence of good character under this Standard. (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 359, 359. *Porter v. State Bar* (1990) 52 Cal. 3d 518, 529.)

Additional Mitigating Circumstances: Respondent has been readily available and willing to work with the State Bar, including entering into this Stipulation, for which she deserves some mitigation. Entering into a Stipulation deserves varying amounts of mitigation. (*In the Matter of Connor* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, 107.) The greatest weight is afforded to those stipulations of facts not easily proven or stipulations to level of discipline. (*In the Matter of Silver* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 902, 906.)

## AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 of the Standards For Attorney Sanctions For Professional Misconduct, Title IV of the Rules of Procedure ("Standards") states that the primary purposes of attorney discipline are, "the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

In determining the appropriate level of discipline, the Standards are entitled to great weight. (*In re Silvertown* (2005) 36 Cal. 4<sup>th</sup> 81, 89-94 and *In re Brown* (1995) 12 Cal. 4<sup>th</sup> 205, 220.) The Standards are not applied in a talismanic fashion, and the Court tempers its analysis of the proper level of discipline by considerations peculiar to the offense and the offender. (*In the Matter of Van Sickkle* (Review Dept. 2006) 4 Cal State Bar Ct. Rptr. 980, 994.) In the instant case the discipline is within the applicable range based upon the Standards and case law.

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Standard 3.4 provides that when a member has been convicted of a crime not involving moral turpitude, the sanction shall be according to those prescribed under Part B of the Standards appropriate to the nature and extent of the misconduct.

Under Part B, Standard 2.10 states a member's culpability of violation of any provision of the Business and Professions Code not specified elsewhere in the Standards shall result in reproof or suspension according to the gravity of the offense or harm to the victim with due regard to the purposes of imposing discipline set forth in Standard 1.3.

There are no published cases of attorney discipline where the attorney has been convicted of violating misdemeanor Penal Code section 148(a)(1). In *In the Matter of Stewart* (Review Department 1994) 3 Cal. State Bar Ct. Rptr. 52, Respondent was convicted of battery of a police officer and the court recommended that Respondent be suspended for two years, stayed, and that respondent be placed on probation for two years on conditions including sixty (60) days actual suspension. However, *Stewart* was a far more serious offense than the present case and physical injury was inflicted on the officer involved. In addition, the case was aggravated by *Stewart's* multiple acts of wrongdoing, indifference to his crime, and a prior record of discipline.

*In re Kelley* (1990) 52 Cal. 3d 487, may be more instructive in this case since it is also a conviction matter but warranted lesser discipline than *Stewart*. *Kelley* suffered two convictions, with two charges each for DUI and driving with a blood alcohol level of more than .10%. Both offenses occurred within Respondent's first 4 years of practice as an attorney and the second offense occurred during the probationary period for the first offense. *Kelley* was agitated and uncooperative with law enforcement during her arrest. Ultimately, the court found that since *Kelley's* convictions did not cause a specific harm to the courts or the public and there were several mitigating factors, only minimal discipline was warranted. The Supreme Court found that a public reproof was "sufficient to protect the public from the threat of future professional misconduct." (*Id.* at 498.)

## **DISCUSSION.**

In the instant case, Respondent was convicted of misdemeanor resisting, delaying or obstructing a peace officer. Similar to *Kelley*, there is no specific harm to the public. Also similar to *Kelley*, there is no aggravation present in this case. The Court in *Kelley* approved a public reproof which is within the applicable range under Standard 2.10. However, there is additional mitigation present in this case, which was not present in *Kelley*. Respondent has demonstrated several mitigating factors such as: a lack of prior discipline over a ten (10) year period, extraordinary evidence of good character from both the legal and general communities, and entering into a Stipulation with the State Bar. When considering the applicable case law and Standards as well as the mitigation present in this case, a private reproof is a sufficient level of discipline to protect the public, the courts, and the administration of justice.

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was August 6, 2012.

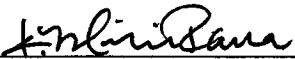



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In the Matter of: Irum Miriam Rana	Case number(s): 11-C-14963
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**SIGNATURE OF THE PARTIES**

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>08/06/2012</u> Date	<u></u> Respondent's Signature	<u>Irum Miriam Rana</u> Print Name
<u>August 6, 2012</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Kim Kasrelivich</u> Print Name

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In the Matter of: Irum Miriam Rana	Case Number(s): 11-C-14963
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### REPROVAL ORDER

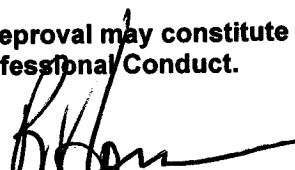
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.**

8/15/12  
Date

  
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 August 16, 2012, 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:

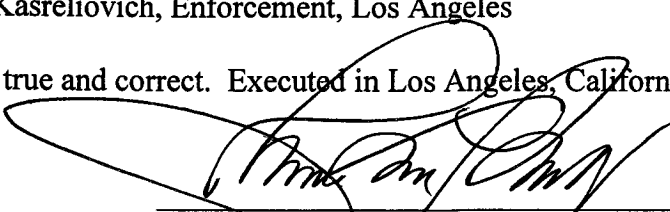
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

IRUM M. RANA  
1242 S BARRINGTON AVE APT 301  
LOS ANGELES, CA 90025

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

Kimberly G. Kasreliovich, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 16, 2012.



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Johnnie Lee Smith  
Case Administrator  
State Bar Court