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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Mia R. Ellis Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015 213-765-1380 Bar # 228235	Case Number(s): 11-O-13347 12-O-10214 (inv.) 12-O-10696 12-O-14328	For Court use only <div style="text-align: center;"> FILED AUG 29 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div style="text-align: center; margin-top: 20px;"> kwiktag® 152 141 689  </div>	
In Pro Per Respondent Dionne Mateos Law Offices of Dionne Mateos 7032 Comstock Ave., Suite 100 Whittier, CA 90602 562-320-0552 Bar # 205959	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: Dionne Mateos Bar # 205959 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 22, 1999.
- (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 18 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):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - 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.

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 09-O-10348, 09-O-15697, 10-O-05308, 10-O-09743, 10-O-10662, 11-O-10491
 - (b) Date prior discipline effective July 28, 2011
 - (c) Rules of Professional Conduct/ State Bar Act violations: 3-110(A), 6068(m), 4-100(B)(3), 3-700(D)(1), 3-700(D)(2), 6068(i), 6103,
 - (d) Degree of prior discipline one (1) year stayed suspension, one (1) year probation
 - (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. See stipulation attachment

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See stipulation attachment.
- (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. See stipulation attachment.
- (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.
- (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:

See attached stipulation

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of two 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 three 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 two 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:

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 the 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:
 - Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions 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**

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further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason:

- (2) **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:**

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In the Matter of: Dionne Mateos	Case Number(s): 11-O-13347, 12-O-10214, 12-O-10696 12-O-14328
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Maria Garcia	\$3500	September 9, 2009
Carlos Torres	\$2050	September 29, 2011
Ramiro Aguilar	\$2500	March 12, 2009

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 30 days after the effective date of the Supreme Court order.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

10. Respondent did not earn the \$3500 advanced fees paid by Garcia to obtain a home loan modification on the IndyMac property.
11. To date, Respondent has not provided Garcia with an accounting for the \$3500 funds.
12. To date, Respondent has not refunded the \$3500.
13. On April 19, 2011, the State Bar opened an investigation regarding the complaint submitted by Garcia.
14. On July 25, 2011, a State Bar Investigator mailed Respondent a letter that was properly addressed to Respondent at 7032 Comstock Avenue, Suite 100, Whittier, CA 90602, which was Respondent's official membership records address at that time regarding the Garcia complaint (membership records address). On July 25, 2011, the State Bar investigator also hand delivered the letter to Respondent. The letter requested a written response to specific allegations by August 8, 2011. Respondent received the letter but did not respond.
15. On August 12, 2011, a State Bar Investigator mailed another letter to Respondent at her official membership records address at that time. The letter requested a written response by August 26, 2011. Respondent received this letter but did not respond.

CONCLUSIONS OF LAW:

By failing to perform any legal services of value on Garcia's loan modification matter with IndyMac, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

By failing to refund the \$3500 advanced fee paid by Garcia, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in violation of Rules of Professional Conduct rule 3-700(D)(2).

By failing to respond to Garcia's requests for a meeting regarding the status of her case, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in violation of Business and Professional Code section 6068(m).

By failing to provide an accounting to Garcia of advanced fees, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in violation of Rules of Professional Conduct, rule 4-100(B)(3).

By failing to provide a written response to either of the State Bar's letters as requested, Respondent wilfully failed to cooperate and participate in a disciplinary investigation pending against Respondent in violation of Business and Professions Code section 6068(i).

Case No. 12-O-10214 (Complainant: Carlos Torres)

FACTS:

1. On September 13, 2011, Carlos Torres (Torres) called the Respondent's office and spoke to the Respondent's employee, Raul Sanchez, regarding obtaining a home loan modification.
2. On September 16, 2011, Torres signed a retainer agreement with Respondent's office. Pursuant to the retainer agreement, Respondent's services included "legal investigations, correspondence, preparation of legal documents, financial consultation, communication with debtors, creditors and negotiations necessary before a bankruptcy."
3. On September 16, 2011, Respondent accepted \$1,100 as advance fees for a loan modification.
4. On September 29, 2011, Torres entered into a second retainer agreement with Respondent for additional loan modification services.
5. On September 29, 2011, Torres paid an additional \$950 to Respondent. Sanchez informed Torres that they were submitting his loan modification package to Bank of America
6. On October 3, 2011, Respondent submitted Torres' loan modification request.
7. On October 24, 2011, Torres' loan modification request was denied.
8. On November 30, 2011, Torres filed a complaint with the State Bar.
9. On February 22, 2012, the State Bar sent Respondent a letter to her membership records address requesting a response to Torres' complaint. Respondent received the letter but did not respond.
10. On March 16, 2012, the State Bar mailed Respondent another letter to her membership records address requesting a response to Torres' complaint. Respondent received the letter but did not respond.
11. On April 10, 2012, the State Bar mailed Respondent a final letter to her membership records address requesting a response to allegations. Respondent received the letter but did not respond.
12. On July 2, 2012, Respondent provided the State Bar with documents related to her work performed in the Torres matter.

CONCLUSIONS OF LAW:

By accepting advance fees for a loan modification, Respondent wilfully violated Business and Professions Code, section 6106.3.

By failing to provide a written response to either of the State Bar's letters as requested, Respondent wilfully failed to cooperate and participate in a disciplinary investigation pending against Respondent in violation of Business and Professions Code section 6068(i).

Case No. 12-O-10696 (Complainant: Ramiro Aguilar)

FACTS:

1. In December 6, 2008, Ramiro Aguilar (Aguilar) retained CBG Legal in order to negotiate a loan modification.
2. On December 6, 2008, Aguilar paid CBG Legal \$1,000 as attorneys fees in order to negotiate the loan modification.
3. On January 3, 2009, Ramiro Aguilar made an additional payment of \$1,000.00 to CBG for services.
4. On March 12, 2009, Ramiro Aguilar made another payment of \$500.00 to CBG Inc. for services, for a total of \$2500 in attorney's fees.
5. In March 2009, Respondent took over CBG Legal and assumed all rights and responsibilities of the practice, including Aguilar's case.
6. Respondent failed to complete the loan modification and failed to provide any service of value to Ramiro Aguilar.
7. On December 16, 2011, the State Bar sent a letter to Respondent's membership records address requesting that she respond to Ramiro Aguilar's allegations. Respondent received the letter but did not respond.
8. On February 8, 2012, the State Bar mailed another letter to Respondent's membership records address requesting that she respond to Ramiro Aguilar's allegations. Respondent received the letter but did not respond.
9. On March 1, 2012, the State Bar mailed a final letter to Respondent informing her of her failure to respond to previous correspondence. The letter was sent by mail, email and fax. Respondent received the letter but failed to respond.
10. On July 2, 2012, Respondent provided the State Bar with document related to her work performed in the Aguilar matter.

CONCLUSIONS OF LAW:

By failing to perform any legal services of value on Aguilar's loan modification matter with Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

By failing to refund the \$2500 advanced fee paid by Aguilar, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in violation of Rules of Professional Conduct rule 3-700(D)(2).

By failing to provide a written response to either of the State Bar's letters as requested, Respondent willfully failed to cooperate and participate in a disciplinary investigation pending against Respondent in violation of Business and Professions Code section 6068(i).

Case No. 12-O-14328 (Complainant: Francisca Jimenez)

FACTS:

1. On July 1, 2010, Francisca Jimenez (Jimenez) hired Respondent for a personal injury matter that occurred on or about June 24, 2010 at supermarket El Super. Respondent submitted the claim and notice of representation to Carl Warren & Company, El Super's insurance company.
2. On September 23, 2010, Carl Warren & Company, El Super's insurance company sent Respondent a letter denying the claim.
3. On July 1, 2011, Respondent received a second letter from Carl Warren & Company, acknowledging receipt of the medical expenses, and again denying the claim.
4. On March 28, 2012, Respondent filed a small claims action in Los Angeles Superior Court (Case #12M02864) on behalf of Jimenez. In the Plaintiff's Claim and Order, the mailing address listed for Jimenez was Respondent's office.
5. On April 4, 2012, Jimenez received a letter from Respondent's office informing her that "El Super" denied her claim. The letter further indicated that Respondent's office filed a small claims action on her behalf and the maximum recovery she could obtain was \$7,500.00.
6. On May 1, 2012, a Notice of Ruling was issued on Case #12M02864, with the disposition that the case was dismissed because neither party appeared.
7. On May 21, 2012, Respondent sent a letter to Jimenez terminating Respondent's services. In the letter Respondent advised Jimenez that there is a statute of limitation in her matter but failed to advise her that the statute expired in a month.
8. On May 30, 2012, Jimenez filed her complaint with the State Bar of California.
9. On July 9, 2012, the State Bar mailed a letter to Respondent's membership records address requesting that she respond to the allegations by July 23, 2012. Respondent received the letter. She did not provide a written response but Respondent did provide the State Bar with documents related to work performed in the Jimenez matter.

CONCLUSIONS OF LAW:

By withdrawing from the case one month before the statute ran and failing to notify Jimenez of the statute of limitation deadline, Respondent willfully failed upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to the rights of his client, including giving due notice to the client, allowing time for employment of other counsel, complying with rule 3-700(A), and complying with applicable laws and rules.

By failing to provide a written response to the State Bar as requested, Respondent wilfully failed to cooperate and participate in a disciplinary investigation pending against Respondent in violation of Business and Professions Code section 6068(i).

AGGRAVATING CIRCUMSTANCES

Standard 1.2(b)(i) applies as Respondent has a prior record of discipline involving six client matters.

Standard 1.2(b)(ii) applies as the current misconduct involves multiple acts of wrongdoing as there are thirteen counts of misconduct in four client matters, including failure to cooperate in a State Bar investigation. The instant case does not evidence a pattern of misconduct as it did not extend over a prolonged course of time. *Young v. State Bar*, (1990) 50 Cal.3d 1204. In *In the Matter of Wolff*, (Rev. Dept. 2006), 5 Cal. State Bar Ct. Rptr. 1, 10, citing *Stanley v. State Bar* (1990) 50 Cal.3d 555, the Court found that a prolonged course of extensive misbehavior demonstrated a pattern of misconduct, which warrants disbarment. In *Stanley*, the Court found that a prolonged course of extensive misbehavior was an attorney who engaged in thirty “egregious” acts of misconduct and abandonment of twenty clients over a seven year period, in addition to acts of moral turpitude including stealing names from other attorney’s answering service and misappropriating settlement funds.

Standard 1.2(b)(iv) applies as the current misconduct caused significant harm to some clients, including clients who were financially distressed as they were seeking modifications of home loan mortgages.

Standard 1.2(b)(v) applies as Respondent’s misconduct continued in the midst of her prior record of discipline which demonstrates a failure to appreciate the seriousness of these matters and a lack of insight.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances: Respondent has been cooperative in stipulating to facts and conclusions of law in this matter. 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.) Here, the facts in the matters could have been proven by the testimony of the complaining witnesses and documentary evidence. Also, while Respondent provided some documents to support work performed, her cooperation is tempered by the fact that she has did not provide written responses to the State Bar investigation. Thus, Respondent’s cooperation is entitled to some but not great weight in mitigation.

DISCUSSION OF AUTHORITIES SUPPORTING DISCIPLINE.

The determination of discipline begins “by looking to the purpose of sanctions for attorney misconduct.” (*In re Morse* (1995) 11 Cal.4th 184, 205.) “The primary purposes of disciplinary proceedings . . . 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.” (Standard 1.3.)

The Supreme Court has held that great weight should be given to the application of the Standards in determining the appropriate level of discipline and will not reject a recommendation arising from an application of the Standards unless it has grave doubts as to the propriety of the recommended discipline. *In re Silverton* (2005) 36 Cal. 4th 81, 91-92. "[A]dherence 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*, *supra*, 51 Cal.3d at p. 190; see also *In re Brown* (1995) 12 Cal.4th 205, 220.)

Standard 1.6(a) provides that "[i]f two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions."

Standard 1.7(a) – 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 one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 2.2(b) culpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.4(b) provides that "culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a matter of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

According to Standard 2.6, 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 the due regard to the purposes of imposing discipline set forth in standard 1.3: sections 6068(m), 6106.3 and 6068(i).

Under, Standard 2.10, culpability of a member of a violation of Rule of Professional Conduct sections 3-700 (D)(2) and 3-700(A) not specified in these standards shall result in reproof or suspension according to the gravity of the offense.

In *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602 Respondent was found culpable of six counts of misconduct in seven client matters, including the misappropriation of \$13,807.34 in trust funds, failure to perform competently, failure to communicate with clients and failure to advise clients of potential conflicts of interest, and failure to comply with the terms of a previously imposed disciplinary probation.

The Hearing Department recommended that Respondent be actually suspended for two years. Both the Respondent and the State Bar appealed. One of the issues on appeal was whether the Hearing Department appropriately declined to consider Respondent's prior disciplinary matter, where

Respondent was actually suspended for 80 days, as aggravating because the misconduct in the prior matter and the cases at issue, aside from the probation violation, occurred during the same time period. (*In the Matter of Sklar* 2 Cal. State Bar Ct. Rptr. at 618).

The Review Department held that the impact of a prior disciplinary matter was diminished because it occurred during the same time as the misconduct in the case at issue. *In the Matter of Sklar*, 2 Cal. State Bar Ct. Rptr. at 618. Accordingly, the Review Department considered the “totality of the findings in the two cases to determine what the discipline would have been had all the charged misconduct in this period been brought as one case.” *Id.* *Sklar* is applicable here because Respondent’s misconduct in three of the instant matters began during the same timeframe as the prior record of discipline. However, in aggravation, since the imposition of Respondent’s prior record of discipline, she has engaged in additional acts of misconduct in one client matter. Therefore, it is appropriate to consider the totality of the misconduct in all ten (10) cases to determine what the discipline would be had all the charged misconduct been brought now.

In *Pineda v. State Bar* (1989) 49 Cal.3d 753, the attorney admitted in 1974, committed misconduct between 1978 and 1986 in seven separate client matters. Pineda accepted fees from the clients, failed to perform on their behalf, did not respond to their inquiries, and did not refund advance fees. Pineda also made misrepresentations to one client. The Supreme Court found that Pineda’s repeated acceptance of advanced fees followed by his abandonment of the clients without communicating with them and combined with misrepresentations to one client may support disbarment, it also found that a number of mitigating factors weighed against disbarment, including Pineda’s willingness to accept the State Bar’s recommendation of discipline, the reforms he had undertaken in the managing of his practice, and the personal and professional problems that culminated in the dissolution of his marriage. Pineda received five years stayed, five years probation, and two years actual suspension.

In *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, the attorney, admitted in 1979, stipulated in fourteen client matters to thirteen instances of failure to perform, two failures to promptly pay, one failure to account, two counts of misappropriation (total amount being \$750), and three counts of moral turpitude. The bulk of the violations took place between 1982 to 1984. The Review Department recommended Silva-Vidor two years actual suspension. The Supreme Court gave her one year actual, holding that “this was a case in which personal problems may legitimately explain a period of inattention to an attorney’s law practice.” Specifically, the attorney had to wear a mouth appliance to hold her jaw together as it was dislocated in a car accident, her spouse’s discovery of a brain tumor, and a marital dissolution without financial contribution from the husband to the support of three children with the third child born with cerebral palsy.

The misconduct addressed in the instant cases could reasonably have been expected to increase the level of discipline as was imposed in Respondent’s first imposition, stayed suspension. Respondent’s prior misconduct occurred from July 2008 to November 2010 and involved six client matters. Now, three matters in the instant case began during that same timeframe. One matter in the instant case, began while Respondent was on probation in the prior discipline, which is a further aggravating factor.

In the instant case, Respondent has cooperated in stipulating to facts and conclusions of law and providing documents to support work performed in those matters. Moreover, none of the matters in the instant or prior cases involve moral turpitude or dishonesty and misrepresentation as in *Pineda* and *Silva-Vidor*. Unlike *Pineda*, whose conduct spanned eight (8) years, Respondent’s conduct was over a three and a half year period. As a whole, including the number of client matters involved, ten (10),

balancing all the aggravating and mitigating factors, the level of discipline would have increased significantly from stayed suspension if the cases have been brought now.

The parties submit that the protection of the public, the courts and the legal profession, and the preservation of public confidence in the legal profession, will be served by the disposition in this matter.

PENDING PROCEEDINGS.

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

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 7, 2012, the prosecution costs in this matter are \$9,901.27. Respondent further acknowledges that this cost is an estimate and should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

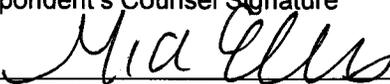
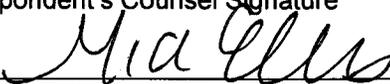
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In the Matter of: Dionne Mateos	Case number(s): 11-O-13347, 12-O-10214, 12-O-10696, 12-O-14328
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SIGNATURE OF THE PARTIES

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.

8/7/2012  Dionne Mateos
Date Respondent's Signature Print Name

8/7/2012  Mia Ellis.
Date Respondent's Counsel Signature Print Name
8/7/2012  Mia Ellis.
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: Dionne Mateos	Case Number(s): 11-O-13347-RAH; Inv. #12-O-10214, 12-O-10696, 12-O-14328
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

*PAGE 4 - SECTION D. (a) DELETE "2 YEARS"
INSTEAD "THREE YEARS"*

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

08-28-2012
Date


RICHARD A. PLATEL
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 29, 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:

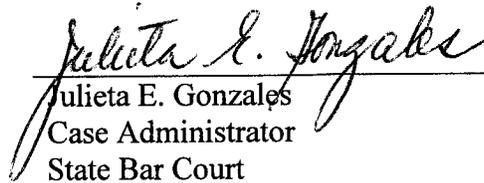
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DIONNE MATEOS ATTORNEY AT LAW
LAW OFFICES OF DIONNE MATEOS
7032 COMSTOCK AVE STE 100
WHITTIER, CA 90602

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

Mia R. Ellis, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 29, 2012.



Julieta E. Gonzalez
Case Administrator
State Bar Court