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State Bar Court of California Hearing Department Los Angeles REPROVAL			PUBLIC MATTER
Counsel For The State Bar Brooke A. Schafer 1149 S. Hill Street Los Angeles, CA 90015 Bar # 194824	Case Number(s): 11-O-13546	For Court use only FILED OCT 27 2011 STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
Counsel For Respondent David C. Carr Law Office of David Cameron Carr 530 B St Ste 1410 San Diego, CA 92101 Bar # 124510	Submitted to: STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: Julie L. Plisinski Bar # 199585 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 8, 1998.
- (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 _____ 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: 2013 & 2014. (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."

(Effective January 1, 2011)

Reproof

- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.

- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

- (1) **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 12 months.
- (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, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproval 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

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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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

See attached page

RESTITUTION CONDITION

F. Respondent agrees to refund Lorne Olson the entire legal fee paid of \$5,990.00 on or before the 90th day following the date on which she signs this Stipulation. Said refund shall be certified or similar bank-issued official check, and shall be payable to Lorne Olson. Said check shall be delivered to the undersigned deputy trial counsel on or before the 90th day following the date Respondent signs this stipulation, at the following address:

BROOKE SCHAFFER
STATE BAR OF CALIFORNIA
1149 S. HILL STREET
LOS ANGELES, CA 90015

Moreover, Respondent agrees to retain a photo copy of said refund check for the duration of this reproof period, and to produce it upon request by Office of the Chief Trial Counsel, Office of Probation or State Bar Court. Respondent understands that failure to comply with this restitution condition alone may be grounds for additional discipline.

In the Matter of

Case number(s):

Julie L. Plisinski

11-0-13546

A Member of the State Bar no. 199585

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

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

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

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

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

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

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

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

10/17/2011
Date


Signature

Julie L. Plisinski
Print Name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/1997. Revised 12/16/2004; 12/13/2006.)

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Julie L. Plisinski

CASE NUMBER(S): 11-O-13546

FACTS AND CONCLUSIONS OF LAW.

Respondent knowingly enters into a nolo contendere plea to the following facts and conclusions of law, and agrees that the following can form the basis for discipline:

Case no. 11-O-13546 (Complainant: Lorne Olson)

FACTS:

1. In December 2008, Lorne Olson ("Olson") hired Respondent for loan modification services for two rental houses Olson owned in Arizona; one in Scottsdale, the other in Phoenix. Olson paid \$2995.00 in advance for each loan modification, for a total of \$5990.00. At the time Olson hired Respondent, Olson informed Respondent that neither of the Arizona properties were owner-occupied, and that in fact Olson resided in Texas.
2. Respondent had an assistant named Andy Olivarez. Most of Olson's communications with Respondent's office were with Olivarez. Respondent delegated to Olivarez most of the work gathering information and filling out Olson's loan modification applications. After a delay while Olson attempted to work with his lender on his own, by November 2009 Olson requested Respondent work on his loan modifications again.
3. Respondent's office submitted loan modification paperwork for both the Scottsdale and Phoenix properties in December 2009. A hardship letter submitted to Bank of America with the paperwork on the Scottsdale property indicated the Scottsdale property was a rental house. In mid-January 2010 Bank of America denied Olson's loan modification application on the Scottsdale property as it was a rental house, not owner occupied.
4. In early January 2010, Respondent sent Olson a letter asking Olson to advise her if he still wanted her office to service his loan modifications. Olson did not respond to this letter, but Respondent's office continued working on his loan modifications.
5. In late January 2010, after Bank of America denied Olson's loan modification application, Olivarez advised Olson to submit a new loan modification application on the same Scottsdale property, and Olivarez questioned why Olson told Bank of America the house was not owner occupied.
6. In March 2010, Olivarez asked Olson for additional information for the loan modification application on the Phoenix house, serviced by Morgan Stanley. Olivarez reminded Olson that the forms should state the property was owner occupied. Olson questioned Olivarez as to how he could state this when he lived in Texas. Olivarez did not respond. In April Olson submitted the Morgan Stanley forms to Olivarez, but did not indicate the property was owner occupied.

7. In April 2010 Olson also sent Olivarez a new loan modification application for the Scottsdale property, to submit to Bank of America. Again Olivarez reminded Olson the application for the Scottsdale property should state it was "owner occupied," even though it was not. Olson submitted the application to Bank of America.

8. From time to time between late April 2010 to early July 2010 Olson checked on the status of both the Bank of America and the Morgan Stanley loan modification applications by emailing Olivarez. In fact, most of Olson's communications with Respondent's office during the entire period of representation was through email with Olivarez. Until June 19, 2010, Olivarez's emails included a signature line that Olivarez was "Director of Public Relations and Operations for the Law Offices of Julie L. Plisinski, PC."

9. On June 17, 2010, Respondent sent a letter to Olson stating, inter alia, that his application on the Scottsdale house was approved by Bank of America, and that he was approved for a payment of \$634.04 per month. Respondent's letter also stated "this concludes our representation of you." In reality, there were several problems with this letter. One, Bank of America had not approved Olson's loan modification request. In addition, Respondent's letter did not mention Olson's pending application with Morgan Stanley on the other property. Further, the letter was mailed to the Scottsdale house address, not Olson's home address in Texas. Olson never received this June 17, 2010, letter.

10. Olivarez kept working on the Morgan Stanley application and Olson still considered Respondent his attorney. On June 28, 2010, Olivarez submitted Olson's loan modification paperwork to Morgan Stanley. In the accompanying hardship letter, which was part of the application packet, Olivarez made two alterations. First, he changed the date from April 26, 2010, to June 28, 2010. Second, he added an additional sentence to the hardship letter which stated "This is my owner occupied home, PLEASE HELP!" Olson had not written the letter with these words, nor was he aware Olivarez made these changes until Olson discovered it in August 2010.

11. On September 3, 2010, Olson terminated Respondent's services by letter, and requested a refund of fees paid, citing among other things that Olivarez had altered his hardship letter without permission to state that the property was owner occupied, when Olivarez knew that was not the case.

12. Respondent received Olson's September 3, 2010, letter, but never responded. At no time did Respondent provide an accounting or refund any of the fees she received from Olson.

13. Respondent believed she ended representation in mid-June 2010, however she did not properly withdraw, nor did she address continuation of representation for Olson's other property. When Respondent and Olivarez parted ways in late June or July 2010, Respondent's lack of organization resulted in her not knowing Olivarez kept one of the cases. During the entire period of representation Respondent did not properly supervise Olivarez's work.

CONCLUSIONS OF LAW:

14. By failing to supervise Olivarez such that: (a) Olivarez advised Olson to misrepresent that his two properties were owner occupied in loan documents, (b) Olivarez altered loan documents submitted to Bank of America, and (c) Olivarez kept working on Olson's matters even after Respondent believed she had withdrawn, and by attempting to withdraw prior to conclusion of the work for which

she was retained, and by not responding to Olson's September 3, 2010, letter, Respondent recklessly and repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

15. By failing to refund unearned fees or to provide an accounting of fees earned, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3). (*E.g., In re Connor* (Rev. Dept. 2008) 5 State Bar Ct. Rptr. 93).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was October 3, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards 1.3; 2.4(b)

ADDITIONAL FACTS SUPPORTING MITIGATION.

Candor/Cooperation. Respondent has been cooperative and is entitled to significant mitigating credit for accepting responsibility prior to filing of formal charges.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 3, 2011, the prosecution costs in this matter are \$2797.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

RESPONDENT'S ACKNOWLEDGMENTS AS TO KNOWING AND VOLUNTARY ACTS

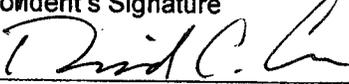
Respondent acknowledges that she enters into this nolo contendere plea to stipulation knowingly and voluntarily, and that she has had sufficient opportunity to consult with legal counsel and to consider the substance of the foregoing.

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In the Matter of: Julie L. Plisinski	Case number(s): 11-O-13546
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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>10/17/2011</u> Date	 Respondent's Signature	<u>Julie L. Plisinski</u> Print Name
<u>10/15/11</u> Date	 Respondent's Counsel Signature	<u>David C. Carr</u> Print Name
<u>20 Oct 2011</u> Date	 Deputy Trial Counsel's Signature	<u>Brooke A. Schafer</u> Print Name

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In the Matter of:
Julie L. Plisinski

Case Number(s):
11-O-13546

REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reprovial, 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.

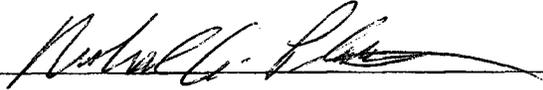
The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

Date

10-27-11

Judge of the State Bar Court


RICHARD A. PLATEL

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 October 27, 2011, 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:

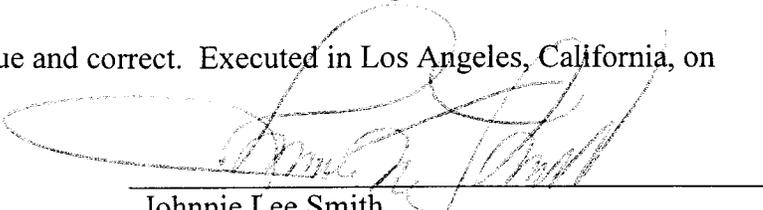
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID C. CARR
LAW OFFICE OF DAVID CAMERON CARR
530 B ST STE 1410
SAN DIEGO, CA 92101

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

BROOKE SCHAFER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 27, 2011.



Johnnie Lee Smith
Case Administrator
State Bar Court