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State Bar Court of California Hearing Department Los Angeles DISBARMENT			PUBLIC MATTER
Counsel For The State Bar Ashod Mooradian Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1004 Bar # 194283	Case Number(s): 11-O-18112-RAH	For Court use only <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>FILED</p> <p>SEP 05 2012</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> </div> kwiktag® 152 141 678 	
In Pro Per Respondent Jennifer Jo Beerman Law Offices of Jennifer J. Beerman 74133 El Paseo, Suite A Palm Desert, CA 92260 (760) 568-6264 Bar # 207877	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: JENNIFER JO BEERMAN Bar # 207877 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 May 23, 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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (12) pages, not including the order.



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- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Stipulation Attachment, page 9, section "C".

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- (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. See Stipulation Attachment, page 9, section "C".
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

None.

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.

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- (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 Stipulation Attachment, page 9, section "D".

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.

- (3) **Other:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JENNIFER JO BEERMAN

CASE NUMBER(S): 11-O-18112-RAH

A. WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.

The parties waive any variance between the Notice of Disciplinary Charges filed in this matter, and the facts and/or conclusions of law obtained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

B. FACTS AND CONCLUSIONS OF LAW.

JENNIFER JO BEERMAN ("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.

Facts:

1. On January 31, 2011, Cyndi Beebee ("Cyndi") retained Respondent to represent her in a pending dissolution matter entitled *Beebee v. Beebee*, filed on December 23, 2009, in the Riverside Superior Court, case number IND 099117 ("Beebee Dissolution").
2. On February 14, 2011, a substitution of counsel was filed in the Beebee Dissolution naming Respondent as counsel of record for Cyndi.
3. On February 22, 2011, a stipulation was entered into by both parties and their counsel requiring that the proceeds from the sale of Fire Barrel Drive property, in the amount of \$85,041.83, will be held in trust by Respondent.
4. On March 16, 2011, pursuant to the February 22, 2011 stipulation, West Coast Escrow disbursed check number 39747, in the amount of \$85,041.83 and made payable to Respondent.
5. On March 28, 2011, Respondent deposited the \$85,041.83 check into her client trust account at Canyon National Bank, account number *****2452 ("CTA").¹
6. On March 28, 2011, after the deposit of the \$85,041.83 check, the balance in Respondent's CTA was \$85,051.23.

¹ The account number has been redacted to protect the account and account holder.

7. On March 28, 2011, Cyndi and her husband agreed that they would each take a \$10,000.00 disbursement from the funds held by Respondent in her CTA.

8. On March 28, 2011, Respondent issued CTA check number 1139, in the amount of \$10,000.00 to Cyndi's husband.

9. On March 30, 2011, Respondent issued CTA check number 1140, in the amount of \$10,000.00 to Cyndi.

10. After these two disbursements, Respondent was required to maintain \$65,041.83 in her CTA pursuant to the Stipulation.

11. On April 15, 2011, Respondent transferred \$3,000.00 from her CTA to her account number *****1647 ("CNB office account").² After this \$3,000.00 transfer, the balance in Respondent's CTA was \$62,051.23.

12. On June 13, 2011, Respondent transferred \$2,500.00 from her CTA to her CNB office account. After this \$2,500.00 transfer, the balance in Respondent's CTA was \$59,551.23.

13. On July 12, 2011, the parties reached a settlement regarding all remaining issues in the Beebee Dissolution. Pursuant to the terms of the settlement Cyndi's husband was to receive a \$38,000.00 disbursement and Cyndi was to receive a \$28,000.00 disbursement from the funds held by Respondent in her CTA. However, in agreeing to a disbursement of \$66,000.00, the parties committed an error because only \$65,041.83 remained in Respondent's CTA.

14. On August 2, 2011, the balance in Respondent's CTA was still \$59,551.23.

15. On August 3, 2011, Respondent issued CTA check number 1141, in the amount of \$38,000.41 to Cyndi's husband, overpaying Cyndi's husband by \$0.41.

16. After the \$38,000.41 disbursement to Cyndi's husband, Respondent was required to maintain \$27,041.83 in her CTA.

17. On August 4, 2011, CTA check number 1141 cleared Respondent's CTA and was paid to Cyndi's husband. On August 4, 2011, after CTA check number 1141 cleared, the balance in Respondent's CTA was \$21,550.82

18. On August 17, 2011, prior to any disbursement to Cyndi pursuant to the settlement agreement, the balance in Respondent's CTA was \$23,550.82.

19. On August 17, 2011, Respondent issued CTA check number 1143, in the amount of \$28,000.00 to Cyndi.

20. On August 19, 2011, CTA check number 1143 was presented for payment from Respondent's CTA causing the CTA balance to be -\$4,449.18.

² The account number has been redacted to protect the account and account holder.

21. On August 22, 2011, CTA check number 1143 was returned unpaid due to insufficient funds on balance.

22. On August 23, 2011, the balance in Respondent's CTA was \$1,550.82.

23. On August 23, 2011, Cyndi was notified by her bank that a hold had been placed on her account because Respondent's CTA check 1143, in the amount of \$28,000.00, had been returned unpaid due to insufficient funds in Respondent's CTA.

24. Thereafter, Cyndi contacted Respondent and informed her that CTA check 1143 had been returned unpaid due to insufficient funds in Respondent's CTA. Cyndi also requested that Respondent pay the \$28,000.00 to her immediately.

25. Respondent responded to Cyndi that someone had hacked the accounts at Pacific Premiere Bank, including Respondent's CTA and removed the funds that were on deposit there. This statement was false. At the time Respondent made this statement to Cyndi, Respondent knew that her CTA had not been "hacked" and that funds had not been removed from the CTA illegally.

26. On September 6, 2011, the balance in Respondent's CTA was \$4,040.82.

27. On September 14, 2011, the balance in Respondent's CTA was \$540.82.

28. On October 4, 2011, the balance in Respondent's CTA was \$0.00.

29. On October 6, 2011, the balance in Respondent's CTA was still \$0.00.

30. On October 6, 2011, Cyndi filed a complaint against Respondent with the State Bar.

31. Respondent did not repay Cyndi any portion of her funds until January 12, 2012, which was more than three months after the State Bar become involved in this matter.

32. Respondent did not completely repay Cyndi until April 25, 2012. Ultimately, Respondent improperly and willfully denied Cyndi her funds for eight months and eight days.

Conclusions of law:

33. By not maintaining at least \$65,041.83 in her CTA between April 15, 2011 and August 2, 2011 and by not maintaining at least \$27,041.83 in her CTA between August 4, 2011 and October 4, 2011, Respondent failed to maintain the balance of funds received for the benefit of a client and deposited in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import in willful violation of Rules of Professional Conduct, rule 4-100(A).

34. By misappropriating \$5,490.60 of Cyndi's funds between April 15, 2011 and August 2, 2011 and by misappropriating \$27,041.83 of Cyndi's funds between August 4, 2011 and October 4, 2011, Respondent committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code, section 6106.

35. By stating to Cyndi that her CTA had been "hacked" and had funds removed from the account illegally, Respondent committed an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

36. By failing to pay Cyndi \$28,000.00 between August 23, 2011 and October 6, 2011, Respondent, failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

C. FACTS IN SUPPORT OF AGGRAVATING CIRCUMSTANCES.

Respondent's misconduct significantly harmed a client. (Standard 1.2(b)(iv)). Respondent's failure to disburse Cyndi's \$28,000.00 as agreed coupled with an over eight month delay in repaying the \$28,000 to Cyndi resulted in the loss of her ability to purchase her own home after a divorce, forcing Cyndi to impose on the kindness of friends and relatives to survive. Thus, deprivation and loss of the use of the funds misappropriated by Respondent caused significant financial harm to Cyndi.

Respondent's misconduct evidences multiple acts of wrongdoing. Standard 1.2(b)(ii). Respondent's misconduct herein involved four counts of violations of the Rules of Professional Conduct and the State Bar Act including the failure to maintain client funds in a trust account, misappropriation of a significant amount, misrepresentation and the failure to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive. (*In the Matter of Elkins* (Review Dept. 2010) 5 Cal. State Bar Ct. Rptr. 160, 168 [multiple acts of misconduct are an aggravating factor]).

D. FACTS IN SUPPORT OF ADDITIONAL MITIGATING CIRCUMSTANCES.

Respondent has been practicing since 2000 with no prior record of discipline. She is entitled to some mitigating credit for no prior discipline even where the underlying conduct is found to be serious or significant. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn.13.)

E. AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high

professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

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

Respondent admits to committing four acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent’s misconduct is found in Standard 2.2(a), which applies to Respondent’s willful misappropriation of entrusted funds in violation of Business and Professions Code section 6106.

Standard 2.2(a) provides that culpability of a member of wilful misappropriation of entrusted funds or property shall result in disbarment. Further, only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances.

In this matter, Respondent was entrusted with \$85,041.83 of funds belonging to her client and the opposing party. Respondent was required to deposit these entrusted funds into her client trust account and maintain them there until further notice from the parties or the court. Instead, Respondent misappropriated \$5,490.60 of Cyndi’s funds between April 15, 2011 and August 2, 2011 and misappropriated \$27,041.83 of Cyndi’s funds between August 4, 2011 and October 4, 2011. Then, Respondent sought to conceal the truth regarding her misappropriation by telling her client Cyndi that someone had hacked Respondent’s CTA and removed funds that were on deposit there when Respondent knew that statement to be false. Respondent knew that her CTA had not been “hacked” and that the funds had not been removed from the CTA illegally, but rather had been intentionally withdrawn by Respondent. An attorney’s repeated, protracted deceit of clients, which had the effect of forestalling them from discovering the true status of their matters, was perhaps even more serious than harm caused by an attorney’s inattention to client duties. (*Matter of Peterson* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 73, 79-80.) Thus, under these facts, Respondent’s misconduct shall result in disbarment, unless Respondent can show that the amount of funds misappropriated were insignificantly small or that “the most compelling mitigating circumstances clearly predominate.

In this matter the amount of Respondent's misappropriation is significant. (*Chang v. State Bar* (1989) 49 Cal.3d 114, 128 ["Petitioner misappropriated over \$7,000, which we find to be significant..."]). Further, in this matter there are no compelling mitigating circumstances that clearly predominate. In fact, the misconduct herein is aggravated because it involved multiple acts of misconduct and there was significant harm to a client. However, there is the limited mitigating circumstance of Respondent's nearly eleven years of practice without a prior record of discipline. But with no other mitigating circumstances, Respondent's mitigation cannot be said to be "the most compelling mitigating circumstances that clearly predominate." In sum, given the fact that Respondent's misconduct herein involve misappropriation of entrusted funds followed by a misrepresentation and that the misconduct herein is aggravated and only mitigated in a limited manner, the application of Standard 2.2(a) requires Respondent's disbarment in this matter.

F. PENDING PROCEEDINGS.

The disclosure date referred to on page two, paragraph A. (7) was August 29, 2012.

G. COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 29, 2012, the prosecution costs in this matter are \$6,984.00. 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.

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In the Matter of:
JENNIFER JO BEERMAN

Case number(s):
11-O-18112-RAH

SIGNATURE OF THE PARTIES

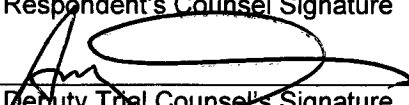
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

8/29/2012
Date


Respondent's Signature

Jennifer Jo Beerman
Print Name

8/29/2012
Date


Respondent's Counsel Signature

Ashod Mooradian
Print Name

Deputy Trial Counsel's Signature
Deputy Trial Counsel's Signature

Ashod Mooradian
Print Name

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In the Matter of: JENNIFER JO BEERMAN	Case Number(s): 11-O-18112-RAH
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DISBARMENT 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.

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.)**

Respondent Jennifer Jo Beerman is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

09-04-2012

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 September 5, 2012, I deposited a true copy of the following document(s):

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

in a sealed envelope for collection and mailing on that date as follows:

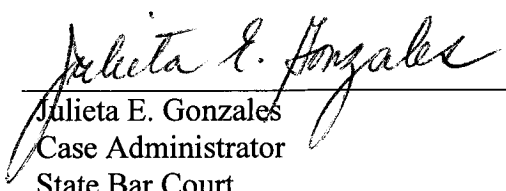
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JENNIFER JO BEERMAN ATTORNEY AT LAW
LAW OFFICES OF JENNIFER J BEERMAN
74133 EL PASEO STE A
PALM DESERT, CA 92260

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

Ashod Mooradian, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 5, 2012.



Julieta E. Gonzales
Case Administrator
State Bar Court