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State Bar Court of California

Hearing Department
Los Angeles
ACTUAL SUSPENSION

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>Kim Kasreliovich Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1378</p> <p>Bar # 261766</p>	<p>Case Number(s): 12-O-13638 - RAP; 12-O-14024; 12-O-14063; 12-O-14476; 12-O-14910</p>	<p>For Court use only</p> <p>FILED JAN 31 2013 P.B. STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Jennifer Marie Urquizu 6185 Magnolia Ave, Ste 244 Riverside, CA 92506 (951) 662-9626</p> <p>Bar # 231134</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Jennifer Marie Urquizu</p> <p>Bar # 231134</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 1, 2004.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 23 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)



- (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: three (3) billing cycles following the effective date of the Supreme Court order. (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
 - (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. For a further discussion of Harm, see the Stipulation at page 20.

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. For a further discussion of Indifference, see the Stipulation at page 20.
- (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. For a further discussion of Multiple/Pattern of Misconduct, see the Stipulation at page 20.
- (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.

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- (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:

For a further discussion of Additional Mitigating Circumstances, see the Stipulation at page 20.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of three (3) 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 (3) 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 (2) 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.

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

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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 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: JENNIFER MARIE URQUIZU	Case Number(s): 12-O-13638 - RAP; 12-O-14024; 12-O-14063; 12-O-14476; 12-O-14910
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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
Joseph Lavan	\$4,000	February 26, 2011
Carmen Stinnett	\$1,305	January 23, 2012
Sam and Alicia Nord	\$1,500	June 1, 2011
Brian Partridge	\$4,000	September 18, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

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 revocation), 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:
 - a. 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.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

JENNIFER MARIE URQUIZU

CASE NUMBER(S):

12-O-13638 - RAP; 12-O-14024; 12-O-14063;
12-O-14476; 12-O-14910

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 12-O-13638 (Complainant: Joseph Lavan)

FACTS:

1. On February 24, 2011, Joseph Lavan ("Lavan") hired Respondent, dba Affordable Legal Solutions ("ALS"), to file a Chapter 13 bankruptcy and lien strip on his second mortgage.
2. On February 24, 2011, ALS was owned by Respondent. ALS was created by Lorena Ray ("Ray") and turned over to Respondent prior to February 2011. At all times relevant to these charges, Ray was the named party on the lease for the office space for ALS, located in Temecula, CA.
3. Ray graduated from law school and passed the California State Bar Exam but is not admitted to the State Bar of California.
4. Ray provided Lavan with her business card. Ray's business card read, "Lorena Ray, J.D." The business card for Respondent stated only Respondent's name and did not state her position as the owner/attorney of ALS or the initials J.D.
5. On or about February 24, 2011 when Lavan entered into a fee agreement for services with ALS he met with Ray. Respondent was not present.
6. Ray signed the fee agreement with Lavan on behalf of ALS.
7. On February 26, 2011, Lavan paid ALS \$2,000 for advanced fees. On April 4, 2011, Lavan paid ALS another \$2,000 for advanced fees.
8. On April 26, 2011, Respondent filed a voluntary petition for Chapter 13 bankruptcy on behalf of Lavan and his wife ("first bankruptcy").
9. On June 13, 2011, the first bankruptcy was dismissed at the Meeting of Creditors because Respondent failed to provide proof of Lavan's income, among other errors, which made the petition incomplete.

10. On July 27, 2011, Respondent filed a second voluntary petition for Chapter 13 bankruptcy on behalf of Lavan and his wife ("second bankruptcy").

11. On September 7, 2011, a hearing regarding Confirmation of the Chapter 13 Plan was continued until September 21, 2011 and Respondent was ordered to convert the case to a Chapter 7 within one week or the case would be dismissed without prejudice at the next hearing. Respondent was present at this hearing.

12. On September 21, 2011, the second bankruptcy was dismissed because Respondent failed to convert the bankruptcy from a Chapter 13 to a Chapter 7 within seven (7) days as previously ordered by the court.

13. After the second bankruptcy was dismissed Lavan and his wife met with Ray who gave them legal advice including advising them of a new legal strategy for their case. Respondent was not present.

14. Respondent had actual knowledge that from February 2011 until Respondent left ALS, non-attorney Ray was meeting with clients, entering into retainer agreements with clients and giving legal advice to clients about their options and strategies for bankruptcy.

15. On November 29, 2011, Respondent filed a voluntary petition for Chapter 7 bankruptcy on behalf of Lavan and his wife ("third bankruptcy").

16. On January 18, 2012 a Meeting of Creditors was held. Respondent and Lavan appeared at the Meeting of Creditors. The Meeting of Creditors was continued to on or about February 14, 2012.

17. Between January 11, 2012 and February 13, 2012, Lavan left at least four (4) voicemail messages and sent four (4) emails to ALS inquiring about the status of his case. Respondent received Lavan's emails and voicemail messages but failed to respond to them.

18. On February 13, 2012, Lavan called ALS and left a voicemail message inquiring about the status of his case. Moments later Lavan had a friend call ALS from the friend's cell phone. ALS staff answered the phone and informed Lavan that Respondent no longer worked at ALS and she had taken Lavan's file. ALS staff provided Lavan with a new phone number and email address for Respondent.

19. At no time did Respondent inform Lavan that she had relocated.

20. On February 14, 2012, Lavan appeared at the Meeting of Creditors for the third bankruptcy. Respondent failed to appear.

21. From February 14, 2012 through May 30, 2012, Lavan left four (4) voicemails for Respondent at the new number he was provided by ALS and sent Respondent two (2) additional emails regarding the status of his case. Respondent received Lavan's voicemail messages and emails.

22. On March 7, 2012, the third bankruptcy was closed without discharge of Lavan's debt because Respondent failed to file a Debtor's Certificate of Completion of Instructional Course Concerning Personal Financial Management.

23. Respondent never provided a response to Lavan's inquiries regarding the status of his case.

24. Respondent did not provide any legal services of value to Lavan. Respondent did not earn any of the \$4,000 received from Lavan.

25. To date, Respondent has failed to refund to Lavan any of the \$4,000 received in advanced fees.

26. To date, Respondent has failed to provide Lavan with an accounting for the \$4,000 in fees that Lavan advanced to him.

27. On November 22, 2011, Respondent changed her membership records address to 3800 Orange Street, Suite 220, Riverside, CA 92501.

28. Attorney Deborah Rice ("Rice") is the occupant of 3800 Orange Street, Suite 220, Riverside CA 92501. Rice temporarily rented Respondent a desk in Rice's office. This is not the address of ALS.

29. In January 2012, Respondent closed ALS and ceased practicing in Temecula, where ALS was located. Respondent began doing business as Affordable Legal Group and practicing in Riverside, CA.

30. On March 13, 2012, the State Bar opened an investigation based on Lavan's complaint.

31. In March 2012, Respondent vacated the membership records address and did not update her address with the State Bar.

32. On April 10, 2012, Lavan sent an email to Respondent requesting a full refund of the \$4,000 Lavan paid for advanced fees. Respondent received the email.

33. On May 22, 2012, an investigator for the State Bar mailed a letter to Respondent at her membership records address, 3800 Orange Street, Suite 220, Riverside, CA 92501, requesting that she provide a written response to the allegations raised by Lavan's complaint. On or about May 31, 2012, the letter was returned "Return to Sender."

34. On May 30, 2012, Lavan sent a second email to Respondent requesting a full refund of the \$4,000 Lavan paid for advanced fees. Respondent received the email.

35. On May 30, 2012, an investigator for the State Bar mailed a second letter to Respondent at her membership records address requesting that she provide a written response to the allegations raised by Lavan's complaint. On or about June 5, 2012, the second letter was returned "Return to Sender."

36. On May 31, 2012, an investigator for the State Bar mailed a third letter to Respondent at Respondent's home address requesting that she provide a written response to the allegations raised by Lavan's complaint. Respondent received the investigator's third letter. Respondent did not respond.

37. On June 1, 2012, an investigator for the State Bar placed a telephone call to Respondent. The investigator left a voicemail message regarding open State Bar investigations into Respondent and requesting that Respondent call her back. Respondent received the voicemail message but did not Respond.

38. On June 19, 2012, an investigator for the State Bar made a visit to Respondent's home. The investigator left a business card with Respondent's husband and asked that Respondent call the investigator. Respondent received the message but did not respond.

39. At no time did Respondent provide the State Bar investigator with a written response to the allegations raised by Lavan's complaint.

40. On October 29, 2012, Respondent changed her membership records address to 6185 Magnolia Avenue, Suite 244, Riverside, CA 92506.

CONCLUSIONS OF LAW:

41. By failing to cure the defects in the first bankruptcy petition, failing to convert the second bankruptcy to a Chapter 7, failing to appear at a Meeting of the Creditors for the third bankruptcy and failing to file the financial management course certificate in the third bankruptcy, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of the Rules of Professional Conduct, rule 3-110(A).

42. By failing to respond to Lavan's emails and telephone calls between January 2012 and May 2012 requesting an update on the status of his 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 willful violation of Business and Professions Code section 6068(m).

43. By failing to inform Lavan that she had relocated, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

44. By not refunding to Lavan any of the \$4,000 in unearned fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

45. By knowingly permitting non-attorney Ray to meet with clients, enter into retainer agreements with clients and provide legal advice to clients, Respondent aided a person or entity in the unauthorized practice of law in willful violation of the Rules of Professional Conduct, rule 1-300(A).

46. By not providing Lavan with an accounting for the \$4,000 in advanced fees paid by Lavan, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

47. By not providing a written response to the allegations raised by Lavan's complaint as requested by the State Bar investigator, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code section 6068(i).

48. By failing to maintain a current address which can be used for State Bar purposes, Respondent failed to maintain on the official membership records of the State Bar a current office

address and telephone number or, if no office is maintained, the address to be used for State Bar purposes in willful violation of Business and Professions Code section 6068(j).

Case No. 12-O-14024 (Complainant: John and Mia-Rose Loy)

FACTS:

49. On February 16, 2012, John and Mia-Rose Loy ("the Loys") hired Respondent doing business as a solo practitioner, dba Affordable Legal Group ("ALG"), to file an emergency Chapter 7 bankruptcy.

50. The Loys paid Respondent \$1,806; \$1,500 in advanced attorney fees and \$306 for filing fees.

51. After the Loys hired Respondent, they called Respondent weekly and left voicemail messages. Initially, the voicemails were regarding the status of their case, later the Loys began asking for a refund. Respondent received the voicemail messages but did not respond.

52. Respondent never filed a bankruptcy petition for the Loys or provided any legal services of value.

53. Respondent did not earn any of the \$1,500 received from the Loys as advanced attorney fees.

54. On May 24, 2012, the Loys filed a small claims case in Riverside Superior Court (*Loy v. Urquizu-Simon*, Case no. MVS1202032) to recover the \$1,806.00 they paid to Respondent. Respondent was served with notice of the suit.

55. On June 24, 2012 a small claims hearing was held and Respondent did not appear. A default judgment was made against Respondent for \$1,806 plus \$50 for costs. Respondent was served with notice of the judgment.

56. Respondent did not refund to the Loys any of the \$1,806 received in advance attorney fees and filing fees.

57. Respondent never filed the bankruptcy and therefore did not use the \$306 received from the Loys for filing fees.

58. To date, Respondent has failed to provide the Loys with an accounting of the \$1,500 in fees that the Loys advanced to her.

CONCLUSIONS OF LAW:

59. By failing to file the Loys bankruptcy and failing to provide any legal services of value, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of the Rules of Professional Conduct, rule 3-110(A).

60. By failing to respond to the Loys emails and telephone calls requesting an update on the status of their 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 willful violation of Business and Professions Code section 6068(m).

61. By not refunding to the Loys any of the \$1,500 in unearned fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

62. By failing to refund the \$306 received from the Loys for filing fees, 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 the Rules of Professional Conduct, rule 4-100(B)(4).

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

Case No. 12-O-14063 (Complainant: Carmen Stinnett)

FACTS:

64. On January 23, 2012, Carmen Stinnett ("Stinnett") hired Respondent, dba ALS, to file a Chapter 7 bankruptcy.

65. On January 23, 2012, Stinnett paid Respondent \$999 in advanced fees.

66. On February 16, 2012, Stinnett met with Respondent in person to pay the \$306 filing fee and sign the Chapter 7 documents.

67. Thereafter, Stinnett left at least twelve (12) voicemail messages for Respondent at the ALS office and on Respondent's cell phone inquiring about the status of her case. Respondent received the voicemail messages and did not respond.

68. Respondent never filed Stinnett's Chapter 7 bankruptcy or provided Stinnett with any legal services of value.

69. On May 3, 2012, Stinnett emailed Respondent inquiring about the status of her case. Respondent received the email and did not respond.

70. On May 10, 2012, Stinnett emailed Respondent again inquiring about the status of her case. Stinnett also stated that if Respondent did not file the bankruptcy documents by the following day, Stinnett wanted a full refund and the return of her file immediately. Respondent received the email and did not respond.

71. Respondent did not earn any of the \$999 received from Stinnett as advanced attorney fees.

72. Respondent has never refunded any of the \$999 received from Stinnett as advanced attorney fees.

73. Respondent never filed the bankruptcy and therefore did not spend the \$306 received from Stinnett for filing fees.

74. Respondent has never refunded the \$306 received from Stinnett for filing fees.

75. To date, Respondent has not provided Stinnett with an accounting of the \$1,305 in fees that Stinnett advanced to her.

76. To date, Respondent has not responded to Stinnett's request for her file. Stinnett's file contains original documents.

CONCLUSIONS OF LAW:

77. By failing to file Stinnett's Chapter 7 bankruptcy and failing to provide any legal services of value, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of the Rules of Professional Conduct, rule 3-110(A).

78. By failing to respond to Stinnett's voicemail messages and emails 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 willful violation of Business and Professions Code section 6068(m).

79. By failing to refund \$999 to Stinnett, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

80. By failing to refund the \$306 received from Stinnett for filing fees, 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 the Rules of Professional Conduct, rule 4-100(B)(4).

81. By failing to provide Stinnett with an accounting of the \$1,305 for fees advanced by Stinnett, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

82. By failing to release Stinnett's file, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in willful violation of the Rules of Professional Conduct, rule 3-700(D)(1).

Case No. 12-O-14476 (Complainant: Sam and Alicia Nord)

FACTS:

83. On June 1, 2011, Alicia and Sam Nord ("the Nords") hired Respondent, dba ALS, to file a Chapter 7 bankruptcy.

84. The Nords agreed to pay \$1,500 for the bankruptcy. The Nords made five (5) payments of \$300 each between June 3, 2011 and January 2, 2012.

85. Respondent was to begin work on the Nords' bankruptcy once the Nords had paid the full \$1,500.

86. Respondent never filed the Nords' bankruptcy or provided the Nords with any legal services of value.

87. On March 3, 2012, the Nords sent an email to ALS inquiring about the status of their case and seeking advice regarding recent actions taken by a creditor. On March 5, 2012, an employee from ALS responded to the Nords email by informing them that Respondent no longer worked at ALS and had taken their file with her when she left. The employee then informed the Nords of Respondent's alternate phone numbers and email address.

88. At no time did Respondent inform the Nords that she relocated.

89. On March 5, 2012 and March 6, 2012, the Nords emailed Respondent at the email address given to them by the ALS employee, inquiring about the status of their case. Respondent received the emails from the Nords and did not respond.

90. From March 6, 2012 through March 9, 2012, the Nords sent Respondent four text messages inquiring about the status of their case. Respondent received the text messages. Respondent replied one time but did not provide the Nords with the status of their case.

91. On March 8, 2012, the Nords left two voicemail messages for Respondent inquiring about the status of their case. Respondent received the voicemail messages but did not respond.

92. On March 9, 2012, the Nords made an in-person visit to the mailing address Respondent had provided to them via text message. The address was the Law Offices of Debra Rice but Respondent was not there.

93. On March 10, 2012, the Nords sent Respondent a letter by certified mail inquiring about the status of their case, detailing their attempts to contact Respondent, and requesting a refund. Respondent received the letter. Respondent did not respond to the letter.

94. On March 23, 2012, the Nords sent Respondent a second request for a refund. This request was sent via email. Respondent received the request but did not respond.

95. Respondent did not earn any of the \$1,500 received from the Nords as advanced attorney fees.

96. Respondent has failed to refund to the Nords the \$1,500 paid by the Nords as advanced attorney fees.

97. Respondent never provided the Nords with an accounting of the \$1,500 paid by the Nords for advanced attorney fees.

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CONCLUSIONS OF LAW:

98. By failing to file the Nords' bankruptcy and failing to provide any legal services of value, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

99. By failing to respond to the Nords' voicemail messages, text messages and letter via certified mail, 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 willful violation of Business and Professions Code section 6068(m).

100. By failing to inform the Nords that she had relocated, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

101. By failing to refund to the Nords the \$1,500 the Nords paid Respondent as advanced attorney fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

102. By failing to provide the Nords with an accounting of the \$1,500 they paid as advanced attorney fees, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 12-O-14910 (Complainant: Brian Partridge)

FACTS:

103. On September 18, 2011, Brian Partridge ("Partridge") hired Respondent, dba ALS, to file his Chapter 13 bankruptcy.

104. Partridge agreed to pay \$4,000 for the bankruptcy. Partridge paid \$500 on September 9, 2011, \$2,000 on January 25, 2012 and \$1,500 on January 26, 2012.

105. On January 26, 2012, Respondent filed the voluntary petition for Partridge's Chapter 13 bankruptcy.

106. On March 6, 2012, the Meeting of Creditors was held. Respondent and Partridge were both present. The hearing was continued to March 27, 2012 because Respondent had failed to serve the bankruptcy plan on all the creditors and had filed a motion for a lien strip the morning of the scheduled meeting. Respondent told Partridge he did not need to appear on March 27, 2012.

107. Partridge is frequently unavailable for phone calls during business hours. Therefore Partridge authorized his sister, Tamara Partridge ("Tamara") to communicate with Respondent as his agent.

108. Prior to the March 27, 2012 Meeting of Creditors, Partridge and Tamara called ALS and were told that Respondent no longer worked there. They were given new contact information for Respondent and told that her new business was called Affordable Legal Group ("ALG").

109. At no time did Respondent inform Partridge that she had relocated.

110. Partridge and Tamara went to the address of ALG and were told that Respondent did not work at that address.

111. Subsequently, on March 27, 2012, neither Respondent nor Partridge appeared at the Meeting of Creditors. Partridge's bankruptcy was dismissed because Respondent and Partridge failed to appear, the motion regarding the lien was denied because it lacked any supporting evidence, and Respondent had failed to pay the trustee payment.

112. From March 28, 2012 until April 19, 2012, Partridge and Tamara left Respondent at least 10 voicemail messages inquiring about the status of Partridge's case. Respondent received the voicemail messages. Respondent did not respond.

113. Respondent did not earn any of the \$4,000 that Partridge paid to Respondent as advanced attorney fees.

114. Respondent did not refund to Partridge any of the \$4,000 that Partridge paid to Respondent as advanced attorney fees.

115. Respondent never provided Partridge with an accounting of the \$4,000 paid by Partridge for advanced fees.

CONCLUSIONS OF LAW:

116. By failing to timely serve the bankruptcy plan on all the creditors, filing the motion for a lien strip without any supporting evidence, failing to pay the trustee payment, failing to appear at the Meeting of Creditors and by informing Partridge that he need not appear at the Meeting of Creditors, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of the Rules of Professional Conduct, rule 3-110(A).

117. By failing to respond to the voicemail messages from Partridge and Tamara, 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 willful violation of Business and Professions Code section 6068(m).

118. By failing to inform Partridge that she had relocated, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

119. By failing to refund Partridge any of the \$4,000 that Partridge paid to Respondent as advanced fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

120. By failing to provide Partridge with an accounting of the \$4,000 Partridge paid as advanced fees, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Harm: Respondent took fees from clients who were under severe financial distress and failed to perform. Without the money they paid to Respondent, several clients have been unable file or complete their bankruptcies. Respondent has caused significant harm to these clients who have wasted a year or more without a bankruptcy and now must pay a second attorney to achieve what Respondent did not. (See *In the Matter of Casey* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117, 126 [Significant harm found where client had to hire new counsel, incurred significant attorney's fees, and suffered three years of misery in an unsuccessful attempt to reclaim her condo.])

Indifference: Respondent has been difficult for clients to reach and still owes \$12,611 in restitution, largely for unearned fees that Respondent has yet to return. Respondent's failure to refund the fees and costs wrongfully collected demonstrates indifference toward rectification of or atonement for the consequences of her misconduct. (See *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 913.)

Multiple/Pattern of Misconduct: Respondent committed misconduct involving five separate client matters resulting in twenty-nine acts of misconduct over approximately one year. This clearly rises to the level of multiple acts of misconduct but does not constitute a pattern. (See *In the Matter of Crane and DePew* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 139, 157 [Attorney committed multiple acts of misconduct but it did not rise to the level of a pattern which is a characterization reserved for only the most serious instances of misconduct over a prolonged period of time.])

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances: While in aggravation, Respondent's failure to return any of the unearned fees demonstrates indifference to rectification of her misconduct, and Respondent has admitted that she failed to respond to a State Bar investigation, Respondent has entered into a stipulation to both facts and level of discipline and therefore is receiving very slight mitigation for doing so. (See *In the Matter of Silver* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 902, 906.)

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 twenty-nine 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 2.6 which applies to Respondent's violations of Business and Professions Code section 6068.

Standard 2.6 provides that culpability of a member of a violation of Business and Professions Code section 6068 shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline.

In *In the Matter of David Eric Brockway*, (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944, Respondent was found culpable of fourteen counts of misconduct in four client matters, including, failure to perform with competence, improper withdrawal from employment, failure to render an accounting of client funds, failure to promptly return unearned fees, failure to communicate and failure to release files. In aggravation, the Review Department determined that Respondent had one prior discipline case, caused significant harm to his clients, committed multiple acts of misconduct and demonstrated indifference towards the damage he caused. The Review Department gave Respondent no mitigation credit and recommended that he be actually suspended for two years, and until Respondent shows proof of his rehabilitation, present fitness to practice, and present learning and ability in the general law pursuant to Standard 1.4(c)(ii).

The instant case is strikingly similar to *Brockway*. Respondent admits culpability in twenty-nine acts of misconduct involving five different clients. In every case Respondent failed to perform with competence by missing hearings, failing to file paperwork and failing to advise her clients of the basic requirements of the bankruptcy. Respondent additionally failed to complete bankruptcies, failed to communicate with clients and failed to return any of her client's unearned fees. Respondent's inaction in every case exacerbated the already desperate situations of her bankruptcy clients.

Unlike *Brockway*, Respondent does not have any prior acts of misconduct. However, Respondent had barely been in practice seven years when the misconduct in these cases began. Similar to *Brockway*, Respondent has considerable aggravation. Respondent has shown indifference towards rectification and committed multiple acts of misconduct.

When the facts of the present case are considered under Standard 2.6 and relevant case law, it is clear that the gravity of Respondent's misconduct requires substantial actual suspension with additional terms to ensure that restitution is made. Two years of actual suspension, with Respondent to remain suspended until full restitution is made and Respondent meets the requirements of Standard 1.4(c)(ii) is necessary to protect the public and the courts.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was January 15, 2013.

FURTHER RESTITUTION.

In addition to the restitution amounts set forth on the Financial Conditions, page 7 of this stipulation, Respondent must pay the following additional restitution on the same terms as set forth on the Financial Conditions page.

Payee	Principal Amount	Interest Accrues From
John and Mia-Rose Loy	\$1,806	February 16, 2012

COSTS

The Office of the Chief Trial Counsel estimates that, as of January 11, 2013, the costs in this matter are approximately \$11,752.17. Respondent acknowledges that this 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.

EXCLUSION FROM MCLE CREDIT


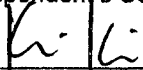
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: JENNIFER MARIE URQUIZU	Case number(s): 12-O-13638 - RAP; 12-O-14024; 12-O-14063; 12-O-14476; 12-O-14910
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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>1/15/13</u> Date	<u></u> Respondent's Signature	<u>Jennifer Marie Urquizu</u> Print Name
<u>1/18/13</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Kim Kasreliovich</u> Print Name

(Do not write above this line.)

In the Matter of: JENNIFER MARIE URQUIZU	Case Number(s): 12-O-13638 - RAP; 12-O-14024; 12-O-14063; 12-O-14476; 12-O-14910
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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 1, (A)(3) - DELETE "23", INSERT "22".
PAGE 2, (A)(8) - INSERT - "2014, 2015, AND 2016" AFTER THREE BILLING CYCLES.

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.)**

Date 01-29-2013


 RICHARD A. PLATEL
 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 January 31, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

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

**JENNIFER M. URQUIZU
6185 MAGNOLIA AVE STE 244
RIVERSIDE, CA 92506**

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

Kimberly G. Kasreliovich, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 31, 2013.



Paul Barona
Case Administrator
State Bar Court