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State Bar Court of California
Hearing Department
Los Angeles
STAYED SUSPENSION

ORIGINAL

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>William Todd Deputy Trial Counsel 845 South Figueroa Los Angeles, CA 90017-2515 213-765-1491</p> <p>Bar # 259194</p>	<p>Case Number(s): 12-O-16457-RAP, 12-O-16458, 14-O-01341(Unfiled)</p>	<p>For Court use only</p> <p>FILED</p> <p>MAY 23 2014</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Angelina Venegas 1008 Colton Ave Colton, CA 92324 323-420-7242</p> <p>Bar # 220737</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: ANGELINA VENEGAS</p> <p>Bar # 220737</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.

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A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **October 23, 2002**.
- (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 **14** 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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Effective January 1, 2014)

Stayed Suspension

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- (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.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **the three billing cycles immediately following the Supreme Court order in this matter.** (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. 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 or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was intentional, 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 page 11 for further discussion re: Harm.**
- (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.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See page 11 for further discussion re: Multiple Acts of Misconduct.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct. **See page 11 for further discussion re: Physical Difficulties.**
- (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 extraordinarily 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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

No Prior Discipline. See page 11.

Pretrial stipulation. See page 11.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one year**.

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 1.2(c)(1), 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

(1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

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- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) 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:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **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) **Other Conditions:**

5. On August 1, 2012, Publico appeared at the final status conference in the Publico matter after discovering the final status conference date on the court's online calendar. However, Respondent failed to appear at the final status conference in the Publico matter.

6. On August 1, 2012, Publico mailed Respondent a letter requesting that Respondent return Publico's case file to her. Respondent received the letter. But, Respondent did not read the letter, and she did not make arrangements to return Publico's case file. On August 15, 2012, Publico contacted another attorney to assist Publico in the Publico matter. On the same day, the new attorney mailed Respondent a letter on Publico's behalf requesting the immediate return of Publico's case file. Respondent received the letter. But, Respondent did not read the letter, and she did not make arrangements to return Publico's case file.

7. On August 17, 2012, the new attorney filed an *ex parte* request with the court in the Publico matter requesting that the court continue the final status conference and trial dates. The *ex parte* request also requested that the court order Respondent to return Publico's file to Publico. On August 17, 2012, the court granted the request to continue the trial date, and ordered Respondent to return Publico's file to her. The new attorney served the order on Respondent. Respondent received the order. In late August 2012, Respondent returned Publico's case file to Publico. Publico ultimately resolved her matter and moved to dismiss her lawsuit in October 2012 while acting *in pro per*.

8. Prior to terminating her employment with Publico, Respondent did not take reasonable steps to avoid reasonably foreseeable prejudice to Publico.

CONCLUSIONS OF LAW:

9. By ceasing all communication with Publico after June 13, 2012, and by failing to appear at the June 22, 2012 *ex parte* hearing and the August 1, 2012 final status conference, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to her client in willful violation of Rules of Professional Conduct rule 3-700(A)(2).

10. By failing to release Publico's client file upon request, 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 Rules of Professional Conduct rule 3-700(D)(1).

Case No. 12-O-16458 (Complainant: Abbas Moradi)

FACTS:

11. In October 2010, Abbas Moradi ("Moradi"), chief executive officer of Esy Corporation ("Esy Corp."), employed Respondent to represent both Moradi personally and Esy Corp. as plaintiffs in an anticipated lawsuit. On November 2, 2010, Respondent filed a complaint in the San Bernardino County Superior Court on behalf of both Moradi personally and Esy Corp. (the "Esy matter").

12. On January 12, 2012, the defendant in the Esy matter served Respondent, as counsel for both Moradi individually and Esy Corp., with form interrogatories, requests for admissions, and requests for production of documents (collectively, the "discovery requests"). Respondent received the discovery requests. But, Respondent neither informed Moradi of the discovery requests nor responded to them.

13. On February 21, 2012, defendants' counsel faxed and mailed a letter to Respondent regarding the overdue responses to defendants' discovery requests. Respondent received the letter. But, Respondent did not respond to defense counsel's letter. On April 10, 2012 and April 11, 2012, defense counsel's paralegal telephoned Respondent's office telephone number and left voicemail messages inquiring about the overdue discovery responses. Respondent received the messages. But, Respondent did not respond to the messages.

14. On June 1, 2012, defendants in the Esy matter filed motions to compel Moradi and Esy's responses to defendants' discovery requests originally served on January 12, 2012. The defendants also sought to have the requests for admissions originally served on January 12, 2012 deemed admitted. The motions included notice that a hearing on the motions was set for July 25, 2012 at 8:30 a.m. All three motions were served on Respondent. Respondent received the motions, but Respondent failed to produce discovery responses and failed to file oppositions to the motions. Respondent also failed to inform Moradi that the motions were filed.

15. On July 25, 2012, defendant's counsel appeared at the July 25, 2012 hearing. Neither Respondent nor Moradi appeared. The court granted defendants' motions for orders compelling responses and for an order declaring all requested admissions deemed admitted. Defendants' counsel served the orders on Respondent. Respondent received the orders, but did not respond to them and did not inform Moradi of the orders.

16. On August 6, 2012, Respondent sent Moradi an e-mail informing him that Respondent intended to close her law office and that Moradi should find another attorney to represent Moradi and Esy Corp. in the Esy matter. In the e-mail, Respondent also explained that she would sign a substitution of counsel once Moradi employed a new attorney.

17. On August 7, 2012, in response to Respondent's August 6, 2012 email, Moradi sent Respondent an e-mail requesting that Respondent continue to represent him and Esy Corp. until he was able to employ a new attorney to replace Respondent. Respondent received Moradi's August 7, 2012 e-mail, but did not respond to it. On August 12, 2012, Moradi sent Respondent another e-mail reiterating what he wrote in the August 7, 2012 e-mail. Respondent received the email, but did not respond to it.

18. On August 16, 2012, Moradi employed a new attorney to represent him in the Esy matter. Soon after, Respondent provided the new attorney with a signed substitution of counsel, and delivered Moradi and Esy Corp.'s case files to Moradi's new attorney.

19. On August 21, 2012, Moradi's new attorney filed the signed substitution of counsel, and the court substituted Moradi's new attorney into the Esy matter in place of Respondent as counsel of record.

CONCLUSIONS OF LAW:

20. By failing to respond to discovery requests, failing to respond to defense counsel's attempts to meet and confer regarding Respondent clients' overdue discovery responses, failing to oppose defendants' motion to compel, failing to appear at the July 25, 2012 hearing regarding defendants' motion to compel discovery responses and withdrawing from the Esy matter without first informing Moradi of her withdrawal and without allowing either Moradi or Esy Corp. an opportunity to retain substitute counsel, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to her clients in willful violation of Rules of Professional Conduct rule 3-700(A)(2).

Case No. 14-O-01341 (Complainant: Trio Holistic Center)

FACTS:

21. At all times relevant herein, Respondent represented Trio Holistic Center (“THC”) in a lawsuit filed against THC by the City of Fontana in the San Bernardino County Superior Court (the “THC matter”) on February 2, 2012. In its complaint, the City of Fontana demanded that THC’s business be declared a public nuisance, that a civil penalty be ordered against THC, and that THC pay the City of Fontana’s attorney fees.

22. In June and July of 2012, the City of Fontana issued multiple administrative citations against THC, and also issued fines totaling \$13,800. During this same period, THC ceased operating at its Fontana location.

23. In November 2012, Respondent and counsel for the City of Fontana discussed settlement of the administrative citations and fines issued by the City of Fontana against THC, as well as the pending litigation. However, the parties never executed a settlement agreement, and litigation of the THC matter continued.

24. The court in the THC matter scheduled a court appearance for February 25, 2013. Respondent did not inform THC that an appearance was scheduled. Respondent then failed to appear at the February 25, 2013 conference. In April 2013, Respondent informed her contact at THC of her illness. However, Respondent neither informed her contact at THC that she failed to appear at the February 25, 2013 hearing, nor did Respondent inform her contact at THC that THC should hire new counsel. After the April 2013 communication, there would be no further communications between Respondent and THC.

25. The court in the THC matter scheduled additional court appearances for June 4, 2013, July 25, 2013 and September 10, 2013. The court served Respondent with notices of all appearances. But, Respondent failed to appear at any of the scheduled appearances in the THC matter in or after February 2013. Respondent also failed to inform anyone at THC that appearances were scheduled.

26. In July 2013, Respondent informed counsel for the City of Fontana that she was planning to close her law office. On July 25, 2013, counsel for the City of Fontana informed the court of Respondent’s intention to close her law office. But, Respondent failed to seek court approval to withdraw from the THC matter.

27. On September 9, 2013, the court entered THC’s default in the THC matter. On September 18, 2013, the City of Fontana filed its default judgment against THC, and on October 17, 2013, the City of Fontana filed a notice of entry of default judgment against THC. The default judgment declared THC’s business a public nuisance and included a money judgment for \$42,697, of which \$25,000 was ordered as a civil penalty against THC, \$17,617 was awarded for attorney’s fees, and \$80 was awarded for costs. Respondent neither informed THC that the City of Fontana was pursuing its default, nor that she failed to appear on THC’s behalf on multiple occasions. She also failed to inform THC that a default judgment was filed against it.

CONCLUSIONS OF LAW:

28. By failing to appear at scheduled court appearances and failing to inform THC that the City of Fontana filed a motion for entry of default against THC or that the motion was granted and a judgment entered against THC, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to her client in willful violation of Rules of Professional Conduct rule 3-700(A)(2).

AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.5(f)): As a result of Respondent's abandonment of Publico in the Publico matter, Publico was compelled to resolve the Publico matter *in pro per*. And, as the result of Respondent's abandonment of Moradi, Moradi was forced to find replacement counsel while under order to comply with overdue discovery requests. Respondent's multiple failures to appear as required in the THC matter while simultaneously failing to inform THC of the status of the pending matter allowed the City of Fontana to secure a default judgment of \$42,697 against THC. Respondent's actions also caused harm to the administration of justice by disrupting proceedings in multiple client matters. (See *In the Matter of Wolff* (Review Dept. 2006) 5 Cal. State Bar Ct. Rptr. 1, 33-34 [where harm was attributed to attorney's abandonment of clients which resulted in the disruption of juvenile court proceedings].) Harm to clients is an aggravating circumstance.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed four violations of the Rules of Professional Conduct in three client matters. The presence of multiple acts of misconduct is an aggravating circumstance.

MITIGATING CIRCUMSTANCES.

Emotional/Physical Difficulties (Std. 1.6(d)): Beginning in January 2012, Respondent suffered health problems which inhibited her ability to service her clients and ultimately caused Respondent to close her law practice. On November 1, 2012, Respondent was diagnosed with cancer. All of the misconduct addressed in this stipulation occurred during the period in which Respondent was experiencing health problems, and these problems were responsible for Respondent's misconduct. Respondent is currently in remission. Physical difficulties such as those described here are a mitigating circumstance.

Additional Mitigating Circumstances

No Prior Discipline: At the time Respondent's misconduct began, Respondent had practiced law for nine years with no prior record of discipline. Even though the misconduct at issue is serious, Respondent is entitled to some mitigation for her nine years of discipline free practice. (See *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 44 [seven years of discipline-free practice worth slight mitigation].)

Pretrial Stipulation: Respondent has entered into a pretrial stipulation, thereby sparing State Bar Court time and resources. (See *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent admits to committing four acts of professional misconduct. Standard 1.7(a) requires that where a Respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to Respondent’s misconduct is found in Standard 2.15, which applies to Respondent’s improper withdrawal from employment with Publico, Moradi, and THC, in violation of Rules of Professional Conduct, rule 3-700(A)(2). Standard 2.15 provides that “[s]uspension not to exceed three years or reproof is appropriate for a violation of a provision of the Business and Professions Code or the Rules of Professional Conduct not specified in these Standards.”

Here, Respondent abandoned three clients without taking the necessary steps to prevent reasonably foreseeable prejudice to them, such as permitting them an opportunity to secure alternate counsel prior to Respondent’s withdrawal. Respondent’s multiple acts of misconduct and the harm caused to Respondent’s clients both aggravate her misconduct.

However, Respondent’s illness, and its effects on her practice during the time that she committed the misconduct described herein, is compelling mitigation. Also, Respondent’s nine years of discipline-free practice prior to the misconduct combined with Respondent’s willingness to accept the consequences of her misconduct by entering into a pre-trial stipulation are additional and significant mitigating factors. The mitigating factors considered together suggest that Respondent is both willing and able to conform to ethical responsibilities in the future, an important consideration in determining the appropriate level of discipline.

In consideration of Respondent's misconduct, the applicable Standard, the aggravating circumstances including the harm caused by the misconduct, the compelling mitigation, Respondent's willingness and ability to conform to ethical responsibilities in the future, and the purposes of attorney discipline, a discipline consisting of a one-year suspension, stayed, with a one-year probation with standard conditions including State Bar Ethics School is warranted.

Case law also supports the recommended discipline. In *Matthew v. State Bar* (1989) 49 Cal.3d 784, an attorney engaged in misconduct involving three client matters. The misconduct included failing to perform and return unearned fees, and failure to obey court orders. The aggravating factors included harm to clients and the attorney's demonstrated indifference to the rectification of his misconduct. The Supreme Court ordered the attorney actually suspended for 60 days.

Here, Respondent's misconduct coincided with serious physical problems. Respondent is not indifferent to the misconduct that she committed; instead, she has acknowledged it, and accepted responsibility for it. Therefore, an actual suspension is unnecessary. Instead, a stayed suspension, as previously described, is warranted and serves the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 25, 2014, the prosecution costs in this matter are \$3,419. 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.

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.)

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In the Matter of: ANGELINA VENEGAS	Case number(s): 12-O-16457, et al.
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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.

May 1, 2014 Angelina Venegas Angelina Venegas
Date Respondent's Signature Print Name

May 6, 2014 William Todd William Todd
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: ANGELINA VENEGAS	Case Number(s): 12-O-16457, et al.
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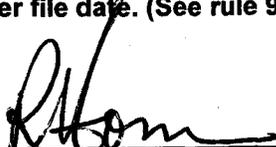
STAYED SUSPENSION ORDER

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.

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.)

5/22/14
Date


RICHARD A. HONN
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 23, 2014, 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:

ANGELINA VENEGAS
1008 COLTON AVE
COLTON, CA 92324

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

WILLIAM TODD , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 23, 2014.



Johnnie Lee Smith
Case Administrator
State Bar Court