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| <b>State Bar Court of California</b><br><b>Hearing Department</b><br><b>Los Angeles</b><br><b>ACTUAL SUSPENSION</b>  |  |  | <b>PUBLIC MATTER</b> |
| Counsel For The State Bar<br><br>Timothy G. Byer<br>Deputy Trial Counsel<br>1149 S. Hill Street<br>Los Angeles, CA 90015<br>(213) 765-1325<br><br>Bar # 172472 | Case Number(s):<br>12-O-17026<br>12-O-17961  | For Court use only<br><br><b>FILED</b><br><br><b>DEC 19 2013</b><br><br>STATE BAR COURT<br>CLERK'S OFFICE<br>LOS ANGELES |                      |
| In Pro Per Respondent<br><br>Cynthia L. Spalding<br>P.O. Box 9059<br>Rancho Cucamonga, CA 91701<br>(909) 527-0733<br><br>Bar # 170899                          | Submitted to: <b>Settlement Judge</b><br><br>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND<br>DISPOSITION AND ORDER APPROVING<br><br><b>ACTUAL SUSPENSION</b><br><br><input type="checkbox"/> PREVIOUS STIPULATION REJECTED |  |                      |
| In the Matter of:<br>CYNTHIA L. SPALDING<br><br>Bar # 170899<br><br>A Member of the State Bar of California<br>(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 June 2, 1994.
- (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 12 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

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

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case 10-C-08415, 10-C-10196. See Attachment, page 10, "Aggravating Circumstances."
  - (b)  Date prior discipline effective August 18, 2012
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Respondent was disciplined pursuant to Business and Professions Code sections 6101 and 6102 in connection with four misdemeanor convictions.
  - (d)  Degree of prior discipline One year of stayed suspension, five years of probation, and attendance at Alcoholics Anonymous and/or The Other Bar.
  - (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.

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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 Attachment, page 10, "Aggravating Circumstances."
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

Pretrial Stipulation. See Attachment, page 10, " Mitigating Circumstances."

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of two years.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of three years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of 90 days.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
  - No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
  - Substance Abuse Conditions  Law Office Management Conditions
  - Medical Conditions  Financial Conditions

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

**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:**

#### Substance Abuse Conditions of Probation

1. During the probation period, Respondent must continually participate in the Lawyer Assistance Program ("LAP"), and comply with all provisions and conditions of LAP, including her Participation Plan During Evaluation, her Participation Agreement/Plan, or any other Plan or Agreement or modification to any such Plan or Agreement (the "Plan") which is in effect at any time during the probation period.
2. Within thirty (30) days of commencing participation in the Plan or any modifications thereof, Respondent must provide a complete copy of the Plan and any modifications to the Office of Probation.
3. Withdrawal or termination from LAP, whether voluntary or involuntary, is a violation of this condition.
4. Within ten (10) days of signing this Stipulation, Respondent must provide a complete copy of this Stipulation to LAP and the LAP Evaluation Committee, and obtain a letter from LAP acknowledging its receipt of the Stipulation.
5. Within thirty (30) days of signing this Stipulation, Respondent must provide a complete copy of this Stipulation to the Office of Probation.
6. Within thirty (30) days of the effective date of discipline, Respondent shall sign and return to the Office of Probation the written waiver/authorization provided to her by the Office of Probation authorizing LAP to provide all information and all documents in its possession regarding Respondent to the Office of Probation, the Office of the Chief Trial Counsel, and the State Bar Court, including but not limited to the terms and conditions of the Plan, any subsequent modifications to the Plan as they may occur during Respondent's period of probation, and Respondent's compliance or failure to comply with the Plan (the "LAP Waiver").
7. Any revocation of the LAP Waiver by Respondent shall constitute a violation of probation and

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Respondent must report such revocation in writing to the Office of Probation within five (5) days of revocation.

8. Respondent shall report in writing, and under penalty of perjury, any incident of non-compliance with the terms and conditions of the Plan to the Office of Probation within five (5) days of its occurrence.
9. Respondent shall report her compliance and/or non-compliance with the terms and conditions of the Plan in each written quarterly and final report to the Office of Probation required by this discipline, as set forth in the Additional Conditions of Probation, Section E(4) at page 4 ("Section E(4)").
10. No later than 10 days before a quarterly report or the final report is due as required by Section E(4), Respondent shall provide LAP with written authorization instructing LAP to provide its own separate written quarterly report regarding Respondent's compliance and/or non-compliance with the terms and conditions of the Plan to the Office of Probation to be received by the Office of Probation no later than each January 10, April 10, July 10, and October 10, as well as a final LAP report that will be due on the same date that Respondent's final report is due as required by Section E(4).
11. Participation in LAP shall be at Respondent's sole expense.
12. Failure to comply with these Substance Abuse Conditions is a violation of Respondent's probation.

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: CYNTHIA L. SPALDING

CASE NUMBERS: 12-O-17026, 12-O-17961

**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-17026 (Complainant: Marc Grossman)**

FACTS:

1. Respondent has been suspended from the practice of law since September 28, 2013, due to her failure to take and pass the Multistate Professional Responsibility Examination as required in connection with professional discipline. Respondent received notice of the suspension prior to its effective date.

2. On October 4, 2012, while Respondent was not entitled to practice law and knowing she was not entitled to practice law, Respondent signed and filed with the Workers Compensation Appeals Board ("WCAB") a Substitution of Attorney, pursuant to which she became attorney of record for an applicant in a matter pending before the WCAB.

3. On October 12, 2012, while Respondent was not entitled to practice law and knowing she was not entitled to practice law, Respondent appeared in San Bernardino County Superior Court on behalf of a defendant in a civil matter (the "civil matter").

4. Prior to the September 28, 2013, suspension from practice, Respondent maintained an internet web site ([www.inlandlawgroup.com](http://www.inlandlawgroup.com)) for her law firm, Inland Law Group. The website described Respondent as the owner of Inland Law Group, included Respondent's professional profile, and advertised her availability as an attorney for legal representation. Respondent permitted the website to remain up and unchanged following her suspension from practice until at least October 29, 2012.

CONCLUSIONS OF LAW:

5. By signing and filing the Substitution of Attorney in the WCAB matter, and by appearing in court in the Civil Matter, and by advertising herself as an attorney and as the owner of Inland Law Group on that law firm's website, Respondent failed to support the Constitution and laws of the United States and of this State, in willful violation of Business and Professions Code, section 6068(a), by practicing law and holding herself out as entitled to practice law when she was not an active member of the State Bar, in willful violation of Business and Professions Code section 6125 and 6126.

6. By signing and filing the Substitution of Attorney in the WCAB matter, and by appearing



in court in the civil matter, and by advertising herself as an attorney and as the owner of Inland Law Group on that law firm's website with knowledge that she had been suspended from the practice of law, Respondent committed an act of moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

Case No. 12-O-17961 (Complainants: Lawrence and Pennie Gomez)

FACTS:

7. On March 5, 2010, Lawrence and Pennie Gomez employed Respondent to represent them in a Chapter 7 bankruptcy matter.

8. From September 2010 until September 2012, the Gomezes called Respondent approximately 20 times, requesting the status of their matter. On each occasion, the Gomezes either left a message with Respondent's employee, or left a voice mail message requesting a returned call. Respondent received all the messages but returned none of them.

9. On November 20, 2012, the Gomezes made a complaint to the State Bar.

10. On December 18, 2012, and again on January 3, 2013, a State Bar investigator mailed letters to Respondent, both of which she received, in which the investigator requested a written response by Respondent to the Gomezes' allegations of misconduct, by January 3, 2013, and by January 17, 2013, respectively. Respondent did not respond in writing to either letter.

CONCLUSIONS OF LAW:

11. By not returning any of the Gomezes' messages seeking the status of their matter, 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).

12. By not responding in writing to the State Bar investigator's letters, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in willful violation of Business and Professions Code, section 6068(i).

**AGGRAVATING CIRCUMSTANCES.**

**Prior Record of Discipline:** Respondent has been a member of the State Bar since June 2, 1994, and has been disciplined on one prior occasion.

Effective August 18, 2012, the California Supreme Court ordered that Respondent be suspended from the practice of law in California for one year, that execution of the suspension be stayed, and that she be placed on probation for five years. The discipline resulted from Respondent's misconduct in case numbers 10-C-08415 and 10-C-10196.

Case number 10-C-08415 was a conviction referral matter involving Respondent's convictions for driving with an excessively high blood alcohol content. On April 29, 2012, Respondent pled guilty to violation of Vehicle Code section 23152(b) (driving with 0.08 or more blood alcohol) arising from an arrest on August 7, 2009, pled no contest to another violation of 23152(b) arising from an arrest on

September 23, 2009, and pled guilty to a third violation of 23152(b) arising from an arrest on October 28, 2009.

Case number 10-C-10196 was a second conviction referral matter involving Respondent's , conviction of a violation of Vehicle Code, section 14601.2(a)(driving with a suspended license) arising from an arrest on February 9, 2010.

**Multiple Acts of Wrongdoing (Std. 1.2(b)(ii):** Respondent failed to respond to the Gomezes' reasonable status inquiries, failed to cooperate in the State Bar's investigation of the Gomezes' allegations, and engaged in the unauthorized practice of law.

#### **MITIGATING CIRCUMSTANCES.**

**Pre-trial Stipulation:** Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994.)

#### **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 Silverton* (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.)

In this case, Respondent did not respond to approximately 20 reasonable status inquiries from her clients, the Gomezes, from their employment of her in May 2010 until they stopped trying to contact her in September 2012, and did not respond in writing to the State Bar's investigation of the Gomezes' complaint. In addition, Respondent, while suspended from practice for failing to comply with a court order that she take and pass the Multistate Professional Responsibility Examination, held herself out as eligible to practice law at a time when she knew she was not so entitled. This is serious misconduct.

Standard 1.6(a) requires that where a respondent acknowledges two acts of misconduct and different sanctions are prescribed by the standards that apply to those acts, the sanction shall be the more or most

Severe of the different applicable standards. Here, the most severe standard applicable is standard 2.3, which provides that culpability of an attorney for an act of moral turpitude, shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the attorney's acts within the practice of law. Standard 2.3 applies to Respondent's practicing law and holding herself out as entitled to practice law when she knew she was not so entitled.

As discussed above, Respondent's misconduct in these two matters constitutes serious and multiple acts of misconduct, including moral turpitude. Further, Respondent's prior record of discipline is a serious aggravating factor. Standard 1.7(a) provides that, if an attorney is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the attorney has a record of one prior imposition of discipline, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Respondent's prior discipline was neither "minimal in severity" nor "remote in time" from the current misconduct, and included one year of stayed suspension. Accordingly, pursuant to standard 1.7(a), a level of discipline greater than one year stayed suspension is warranted for Respondent's current misconduct, and according to standard 2.3, the level of discipline must include a period of actual suspension.

Considering the magnitude of the misconduct, the direct connection between the misconduct and Respondent's practice of law, and taking into account all aggravating and mitigating circumstances, the level of discipline stipulated to herein, including an actual suspension from the practice of law for 90 days, is appropriate to serve the purposes of attorney discipline.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed her that as of November 21, 2013, the prosecution costs in this matter total approximately \$3,779. 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**

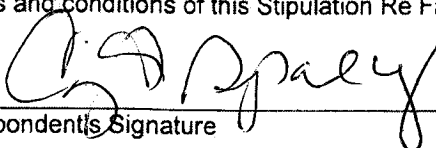
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

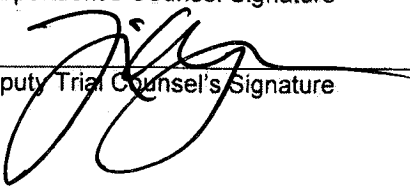
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| In the Matter of:<br>CYNTHIA L. SPALDING | Case number(s):<br>12-O-17206, 12-O-17961 |
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**SIGNATURE OF THE PARTIES**

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.

12-4-13                                            Cynthia L. Spalding  
Date                              Respondent's Signature                      Print Name

12-4-13                                            Timothy G. Byer  
Date                              Deputy Trial Counsel's Signature                      Print Name

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In the Matter of:  
CYNTHIA SPALDING

Case Number(s):  
12-O-17206, 12-O-17961

### 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.

1. On page 2 of the Stipulation, at paragraph B.(1)(a), "page 10" is deleted, and in its place is inserted "pages 9-10".
2. On page 2 of the Stipulation, at paragraph B.(1)(b), "August 18, 2012" is deleted, and in its place is inserted "August 13, 2011".
3. On page 4 of the Stipulation, the "X" in the box at paragraph E.(1) is deleted.
4. On page 7 of the Stipulation, at numbered paragraph 9, line 3, "Section E(4) at page 4 ("Section E(4)")" is deleted, and in its place is inserted "paragraph E.(5) at page 5."
5. On page 7 of the Stipulation, at numbered paragraph 10, lines 1 and 6, "Section E(4)" is deleted, and in its place is inserted "paragraph E.(5)".
6. On page 8 of the Stipulation, at numbered paragraph 1, line 1, "September 28, 2013" is deleted, and in its place is inserted "September 28, 2012".
7. On page 8 of the Stipulation, at numbered paragraph 4, line 1, "September 28, 2013" is deleted, and in its place is inserted "September 28, 2012".
8. On page 9 of the Stipulation under "Aggravating Circumstances," paragraph 2, line 1, "August 18, 2012" is deleted, and in its place is inserted "August 13, 2011".

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

12-18-2013

  
RICHARD A. PLATEL  
Judge of the State Bar Court

(Effective January 1, 2011)

Actual Suspension Order

## 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 December 19, 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:

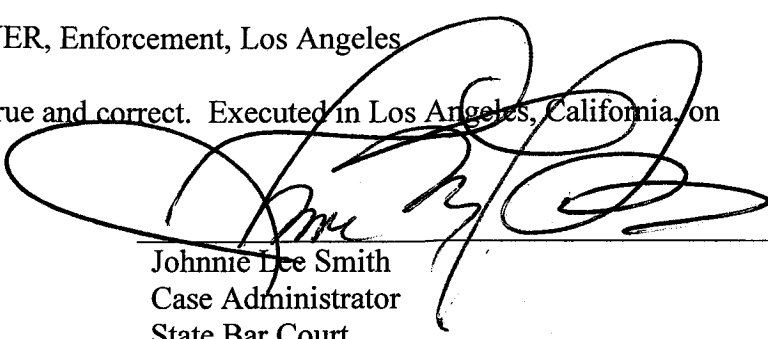
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CYNTHIA L. SPALDING  
LAW OFFICE OF SPALDING & SPALDING  
PO BOX 9059  
RANCHO CUCAMONGA, CA 91701

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

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 19, 2013.

  
\_\_\_\_\_  
Johnnie Lee Smith  
Case Administrator  
State Bar Court