


**State Bar Court of California  
Hearing Department  
San Francisco  
DISBARMENT**

<b>Counsel For The State Bar</b>  <b>Sherrie B. McLetchie</b> <b>Senior Trial Counsel</b> <b>180 Howard Street</b> <b>San Francisco, California 94105</b> <b>(415) 538-2297</b>  <b>Bar # 85447</b>	<b>Case Number(s):</b>  <b>13-O-11801</b>	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>   <b>AUG 20 2014</b>  <b>STATE BAR COURT CLERK'S OFFICE</b> <b>SAN FRANCISCO</b>
<b>In Pro Per Respondent</b>  <b>Ilse Marie Butterfield</b> <b>1380 A Street</b> <b>Hayward, California 94541</b> <b>(510) 690-1485</b>  <b>Bar # 128888</b>	<b>Submitted to: Assigned Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING; ORDER OF</b> <b>INVOLUNTARY INACTIVE ENROLLMENT</b>  <b>DISBARMENT</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	
<b>In the Matter of:</b> <b>ILSE MARIE BUTTERFIELD</b>  <b>Bar # 128888</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>		

**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 17, 1987**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **(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."



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

**B. Aggravating Circumstances [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 **10-O-01320 (S195350)**
- (b) ☒ Date prior discipline effective **November 18, 2011**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Bus. & Prof. Code sections 6068(d) & 6106**
- (d) ☒ Degree of prior discipline **One-year suspension stayed, one year probation, 30-day actual suspension**
- (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:
- 12-O-12927; 13-O-10397, not yet effective (RD op. filed April 2, 2014), Bus. & Prof. Code sections 6068(a), 6068(k) & 6106 [two counts], three-year suspension stayed, three years probation, one-year and until proof of rehabilitation actual suspension**

**See Stipulation attachment page 10.**

- (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. **See Stipulation attachment page 11.**
- (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. **See Stipulation attachment page 11.**
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See Stipulation attachment page 11.**

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- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Stipulation attachment page 11.**
- (8) ☒ **Restitution:** Respondent failed to make restitution. **See Stipulation attachment page 11.**
- (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.
- (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:**

**Pre-trial Stipulation – See Stipulation attachment page 11.**

**D. Discipline:        Disbarment.**

**E. Additional Requirements:**

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) ☒ **Restitution:** Respondent must make restitution to **Leticia Morales as trustee for Citlali Campos** in the amount of \$ **\$2,040.66**, plus 10 percent interest per year from **November 26, 2002**. If the Client Security Fund has reimbursed **Leticia Morales** for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than **30 days** from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

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

IN THE MATTER OF: ILSE MARIE BUTTERFIELD

CASE NUMBER: 13-O-11801

**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. 13-O-11801 (State Bar Investigation)**

**FACTS:**

1. Respondent, as attorney for Leticia Morales ("Morales") guardian ad litem for her minor children, did not comply with the November 13, 2002 order in *Morales v. Escobedo*, Contra Costa County Superior case no. MSC01-02495 to deposit the minors' settlement funds into blocked accounts.
2. On November 26, 2002, rather than depositing at least \$6,121.98 in settlement proceeds into blocked accounts pursuant to the November 13, 2002 order in *Morales v. Escobedo*, respondent delivered to Morales three checks each in the amount of \$2,040.66 drawn against respondent's trust account at Wells Fargo Bank ("CTA") made payable to Morales as trustee for her minor children.
3. Between November 26, 2002, and December 9, 2004, respondent withdrew or paid out from the CTA for respondent's own purposes the \$6,121.98 that the minors were entitled to receive.
4. In October 2002, respondent received on behalf of respondent's client, Morales, as guardian ad litem for her minor children, funds in partial settlement of *Morales v. Escobedo*. Thereafter, respondent deposited settlement funds into her CTA on behalf of her client Morales of which the minors were entitled to receive \$2,040.66 each as they reached the age of 18. Respondent failed to maintain a balance of \$6,121.98 on behalf of the three minors in respondent's CTA until even the first minor reached the age of 18.
5. Beginning in March 2006, and continuing through in January 2013, respondent issued the following checks (or authorized or incurred other debits) from funds in respondent's CTA for the payment of respondent's personal expenses:

<u>DATE</u>	<u>Check#</u>	<u>\$ AMT of CK</u>	<u>PAYEE</u>	<u>MEMO LINE NOTES</u>
03/3/06	1610	\$2,771.97	D&D Automotive	Auto / CDL#C1530898 ex. 03/06

<u>DATE</u>	<u>Check#</u>	<u>\$ AMT of CK</u>	<u>PAYEE</u>	<u>MEMO LINE NOTES</u>
03/14/06	1616	\$709.39	D&D Automotive	Auto Isuzu
08/28/06	1687	\$100	Discover Card	6011000350321893
09/28/06	----	\$20	Capital One	Phone Payment
10/03/06	1708	\$172.50	Crandall, Eileen	Office Work
09/18/06	1694	\$110	Crandall, Eileen	11 hrs 8/30-9/7/06
10/03/06	1708	\$172.50	Crandall, Eileen	Office Work
10/16/06	1714	\$2,057	IRS	TR 2005
10/23/06	1716	\$95	Crandall, Eileen	10/5 - 10/12
10/30/06	----	\$40	Capital One	Phone Payment
11/07/06	1732	\$190	Crandall, Eileen	10/17/06 - 11/3/06
11/22/06	1745	\$81.40	Pacific Gas & Electric Company	IVR Transaction
12/04/06	1751	\$122.50	Crandall, Eileen	11-8-06 / 11/15/06
12/15/06	1760	\$99.50	Crandall, Eileen	Clerical
02/15/07	----	\$2,740.80	Wilshire Credit	Mortgage Payment - Ilse Butterfield
3/16/07	----	\$2,750	Wilshire Credit	Mortgage Payment - Ilse Butterfield
10/29/07	1874	\$120	Discover Card	6011 0003 5031 1893
11/28/07	1888	\$97.40	Pacific Gas & Electric Company	IVR Transaction - 12359143943
12/28/07	1005	\$120	Discover	#6011 0003 5032 1893

<u>DATE</u>	<u>Check#</u>	<u>\$ AMT of CK</u>	<u>PAYEE</u>	<u>MEMO LINE NOTES</u>
08/26/08	90825	\$78	The Home Depot	<None>
08/28/08	----	\$60	East Bay Municipal Utility District	Official Payments
08/28/08	----	\$2.75	Official Payment Echeck Fee	Official Payment Echeck Fee
09/03/08	1086	\$180	Sears	End Acct # 8076
09/30/08	1098	\$35	County of Alameda	Citation # 135566
10/02/08	1106	\$30	Target	Preathorized [sic] Debit - 588276084929660
10/06/08	----	\$523	Verizon Wireless	E Check - Ilse Butterfield
10/22/08	1113	\$176	Self, Mickey	Billing/stamps
12/03/08	1136	\$50	Home Depot	Acct # 6035 320059513166
12/09/08	1135	\$50	Target	#9631355766
01/02/09	1146	\$200	Sears Card	5121 0797 40618076
02/04/09	1162	\$225	Sears	<Blank>
03/04/09	1176	\$50	Target	Preauthorized Debit / 469063187101774
05/13/09	1257	\$1,000	Bishop O'Dowd High School	Deposit - Aaron Butterfield
05/29/09	1267	\$825	Bishop O'Dowd High School	Aaron Butterfield
06/24/09	1755	\$263.40	Pacific Gas & Electric Company	12359143943



<u>DATE</u>	<u>Check#</u>	<u>\$ AMT of CK</u>	<u>PAYEE</u>	<u>MEMO LINE NOTES</u>
07/21/09	----	\$40	East Bay Municipal Utility District	Official Payments
07/21/09	----	\$2.75	Official Payment Echeck Fee	Official Payments
09/04/09	1311	\$50	Butterfield, Michael	<Blank>
09/09/09	1314	\$100	Butterfield, Michael	<Blank>
09/14/09	----	\$200	Verizon Wireless	Webpay - Ilse Butterfield
10/19/09	1332	\$215.09	Office Depot	Charge To: 1400310000004510055877
10/20/09	1331	\$401	DMV	MLB
11/04/09	1341	\$650	O'Dowd, Bishop	<Blank>
08/13/10	1381	\$300	Butterfield, Michael	<Blank>
10/04/10	----	\$397.91	AT&T	Payment - Ilse Butterfield
10/06/10	----	\$2,318.03	Ocwen Loan Service	Mortgage Payment - Ilse Butterfield
10/06/10	----	\$10	Ocwen Loan Service	Mortgage Payment - Ilse Butterfield
06/20/12	----	\$355.35	AT&T	Payment - Ilse Butterfield
12/22/12	1525	\$200	Ilse Butterfield	Aaron
01/31/13	1530	\$1,400	Cash	Brian Janovich
01/31/13	1531	\$500	Cash	Everett C. Huerta

## CONCLUSIONS OF LAW:

6. By failing to comply with the November 13, 2002 order in *Morales v. Escobedo* to deposit minors' settlement funds into blocked accounts, respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do, in willful violation of Business and Professions Code, section 6103.

7. By misappropriating for respondent's own purposes the \$6,121.98 that the minors were entitled to receive, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

8. By failing to maintain a balance of \$6,121.98 on behalf of the three minors in respondent's CTA until each of the three minors reached the age of 18, respondent failed to maintain funds received and held for the benefit of a client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import in willful violation of Rules of Professional Conduct, rule 4-100(A).

9. By issuing at least 51 checks from funds in respondent's CTA for the payment of respondent's personal expenses, respondent commingled funds in willful violation of Rules of Professional Conduct, rule 4-100(A).

## AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has previously been disciplined on two occasions: effective November 18, 2011, in case no. 10-O-01320 (30-day actual suspension), and in case no. 12-O-12927; 13-O-10397, the Review Department, by opinion filed April 2, 2014, has recommended to the California Supreme Court that it impose a one-year actual suspension. Because no timely petition for review has been filed in the Supreme Court, we anticipate that respondent will be suspended from the practice of law sometime in August 2014. Although this latest incident of discipline is not yet final, pursuant to rule 5.106, it is considered a prior record of discipline.

In case number 10-O-01320, respondent stipulated that on January 20, 2009, she signed a client's name to a declaration and submitted the declaration to a US District Court, that on February 5, 2009, she falsely told the court that the client had signed the declaration, that on June 18, 2009, at her deposition she falsely testified that the signature in question was that of the client, and that on June 23, 2009, she again falsely told the court that the client signed the declaration. In case number 12-O-12927; 13-O-10397, the Review Department found that on December 5, 2011, while serving her 30-day actual suspension, respondent falsely informed a superior court that she could not attend a hearing due to a previously set engagement rather than because she was suspended. In the same client matter, between December 5 and 6, 2011, respondent engaged in the unauthorized practice of law. In addition, between January 2012 and November 18, 2012, respondent violated additional conditions of her disciplinary probation, including filing a false quarterly report to the Office of Probation.

In the instant case, respondent's misconduct began in November 2002, and continued through at least January 31, 2013. That is, the misconduct herein began before the misconduct for which respondent was first disciplined and continued beyond the dates of the misconduct for which discipline has already been recommended in the second case.

In *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618, the Review Department held that the impact of prior discipline was diminished because it occurred at the same time as the misconduct in the case at issue. Accordingly, the Review Department considered the "totality of the findings in the two cases to determine what the discipline would have been had all the charged misconduct in this period had brought as one case." *Ibid.* *Sklar* is applicable here. See also *In the Matter of Burckhardt* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 343 [previously received discipline for contemporaneous misconduct afforded minimal weight].

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent engaged in four acts of misconduct, including issuing at least 51 checks for personal expenses out of her CTA (which are individual violations of rule 4-100(A)).

**Dishonesty (Std. 1.5(d)):** During the State Bar's investigation respondent falsely claimed that bank reports of checks drawn against insufficient funds in her CTA were the result of Leticia Morales attempting to improperly cash one or more checks on which stop payment orders had been placed with the bank. Although Morales did attempt to cash "stale" CTA checks issued in 2002 on behalf of two of the minors as they each reached the age of 18, respondent knew that they were entitled to the funds those checks represented.

**Trust Violation (Std. 1.5(e)):** During the State Bar's investigation respondent claimed that she could not provide an accounting of her handling of the minors' funds because she had destroyed her CTA records after five years. However, since she had not appropriately disbursed the client funds, she was not relieved of her responsibility to maintain complete records of the client funds as required by rule 4-100(B)(3). Thus, respondent's inability to account for entrusted funds is an aggravating circumstance.

**Significant Harm (Std. 1.5(f)):** The basis for the minors' settlement was the death of the minors' father. The minors' mother, Leticia Morales, primarily a Spanish-speaker, was unjustly jailed overnight because of the confusion created by respondent surrounding the cashing of a 2002-dated check on behalf of one of her minor children.

**Failure to Make Restitution (Std. 1.5(i)):** Respondent has not made restitution to Morales on behalf of the Morales' youngest child (who is still a minor) whose settlement proceeds in the amount of \$2,040.66 respondent misappropriated.

#### **ADDITIONAL MITIGATING CIRCUMSTANCES.**

**Pretrial Stipulation:** Respondent is entitled to mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel, prior to trial, thereby saving the State Bar Court time and resources. (See *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit given for entering in to 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 1.8(b) provides that: "If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct:

1. Actual suspension was ordered in any one of the prior disciplinary matters;
2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or
3. The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities."

Here, the most compelling mitigating circumstances do not clearly predominate. Aggravating factors include multiple acts of misconduct, dishonesty, trust violations, failure to make restitution, and significant harm to respondent's clients, as well as respondent's prior record of discipline. Respondent is entitled to mitigation for acknowledging wrongdoing by entering into a pretrial stipulation. Moreover, actual suspension was ordered in both respondent's prior discipline cases, the prior disciplinary matters coupled with the current record do demonstrate a pattern of misconduct – lying to a federal court, lying to a family law court, and lying to the Office of Probation – and the prior disciplinary matters coupled with the current records do demonstrate the member's inability to conform to ethical responsibilities.

However, the misconduct underlying respondent's prior discipline actually occurred after the misconduct herein began. See discussion under "Prior Record of Discipline", above. Conducting the analysis required by *In the Matter of Sklar, supra*, results in the conclusion that disbarment is the only appropriate level of discipline. Considering the "totality of the findings" in all of respondent's disciplinary cases, disbarment is the discipline that would have been imposed "had all the charged misconduct in this period had brought as one case."

Accordingly, based on standard 1.8(b), and the totality of the circumstances, disbarment is required to protect the public, the courts, and the legal profession under standard 1.1.

Disbarment is also consistent with the case law. In *In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93) the attorney was found to have, among other things, misappropriated approximately \$26,700. The Review Department found moral turpitude in that the client was "vulnerable and emotionally distressed . . . even hospitalized." (*Id.* at 105) As aggravating factors, Conner was found to conceal his misappropriation from the State Bar, display a lack of candor at trial, and demonstrated indifference toward rectification by failing to refund the entire amount he misappropriated. Conner was given mitigation credit for the 12 ½ years of practice before his misconduct commenced. He was disbarred. Respondent's victims were vulnerable, respondent attempted to conceal her misappropriation from the State Bar, respondent has not yet made restitution, and there is other misconduct, i.e., respondent's long use of her CTA for personal expenses. Regarding the vulnerability of the Morales children, not only did respondent side-step the blocked-account requirement which was ordered by the court for their protection, and thereafter misappropriate their funds, the basis for the settlement was the death of the minors' father. The children's mother – their guardian ad litem -- lost her husband, is primarily a Spanish-speaker, and was unjustly jailed overnight because of the confusion created by respondent surrounding the attempted cashing of a 2002-dated check.

Moreover, in her last incident of discipline, respondent was found to have violated several conditions of her disciplinary probation, including a false report to the Office of Probation. Where "the record contains nothing to support a conclusion that probationary supervision would be adequate to protect the public from a continuation of the pattern of misconduct . . . ." disbarment is appropriate. *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1020.

Balancing all of the aggravating and mitigating factors, and for all the above stated reasons, disbarment is the appropriate level of discipline. The protection of the parties, the courts, and the legal profession, will be served by the disposition in this matter.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 22, 2014, the prosecution costs in this matter are \$2,925. 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.

(Do not write above this line.)

In the Matter of:  
ILSE MARIE BUTTERFIELD

Case number(s):  
13-O-11801

### SIGNATURE OF THE PARTIES

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

8/4/14      *Ilse Butterfield*      Ilse Marie Butterfield  
Date      Respondent's Signature      Print Name

8/7/14      *Sherrie B. McLetchie*      Sherrie B. McLetchie  
Date      Deputy Trial Counsel's Signature      Print Name  
*Senior*

(Do not write above this line.)

In the Matter of:  
ILSE MARIE BUTTERFIELD

Case Number(s):  
13-O-11801

### DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

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

Date

August 20, 2014

  
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 San Francisco, on August 20, 2014, I deposited a true copy of the following document(s):

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

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

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

ILSE M. BUTTERFIELD  
1380 A ST  
HAYWARD, CA 94541

☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

☐ by overnight mail at , California, addressed as follows:

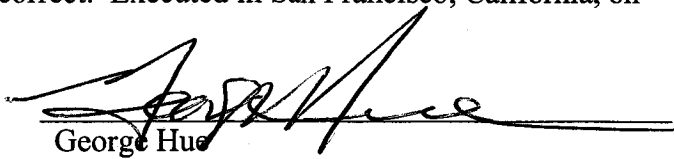
☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Sherrie B. McLetchie, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 20, 2014.

  
George Hue  
Case Administrator  
State Bar Court