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PUBLIC MATTER

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STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case Nos.: **14-O-02579-LMA**
	)	14-O-03165 (Cons.)
PATRICIA JOAN BARRY,	)	
	)	**DECISION**
Member No. 59116,	)	
	)	
A Member of the State Bar.	)	

Introduction[1]

In this contested disciplinary matter, respondent **Patricia Joan Barry** is charged with four counts of misconduct in two consolidated matters. The alleged misconduct includes failing to comply with disciplinary probation conditions, failing to report judicial sanctions, and two counts of failing to obey court orders.

Having considered the facts and the law, the court finds Respondent culpable on all four counts, and, among other things, recommends that she be actually suspended for a minimum of six months and until she pays the specified court-ordered sanctions in full.

Significant Procedural History

The Office of the Chief Trial Counsel of the State Bar of California (State Bar) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) against Respondent in case no. 14-O-03165, on September 17, 2014. Respondent filed a response to the NDC on October 7, 2014. On April 24, 2015, the State Bar filed a second NDC in case no. 14-O-02579. These

[1] Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

matters were consolidated on May 4, 2015. On May 26, 2015, Respondent filed a response to the second NDC.

A three-day trial in this matter was held on August 6, 7, and 11, 2015. The State Bar was represented by Senior Trial Counsel Erin Joyce and Deputy Trial Counsel Sherell McFarlane. Respondent represented herself. This matter was submitted for decision on August 12, 2015.[2]

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on June 18, 1974, and has been a member of the State Bar of California at all times since that date.

Case No. 14-O-02579 – The *Fotinos v. Montalvo* Matter

Facts

On March 2, 2012, Respondent filed a legal malpractice and fraud case on behalf of Michele Fotinos (Fotinos) against her former divorce lawyer, Stephen Montalvo, in San Mateo Superior Court, case no. CIV512249. On May 29, 2013, Montalvo (through his attorneys) filed two discovery motions, one to compel Fotinos to provide documents in response to Montalvo's request for production and the other to compel Fotinos to answer special interrogatories as to whether Respondent and Fotinos were made vexatious litigants. On June 24, 2013, Montalvo filed a motion to compel Fotinos to appear at a deposition. Despite her receipt of these discovery motions, Respondent did not file an opposition to any of the motions.

On June 26, 2013, Respondent appeared by Court Call, for the hearing on the motions regarding the interrogatories and request for production. The court continued the hearings on these motions to July 24, 2013, when the motion to compel deposition was scheduled.

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[2] At the conclusion of trial, this court permitted Respondent to submit two exhibits by the close of business on August 12, 2015. Respondent's Exhibits A and B are hereby accepted and admitted into evidence.

At the hearing on July 24, 2013, Respondent appeared with Fotinos. The court granted the three motions and imposed sanctions against Respondent only. The sanctions consisted of $1,725 in connection with the motion to compel Fotinos's deposition and $2,500 in connection with the motion to compel Fotinos to provide documents in response to the request for production of documents and to respond to special interrogatories.

On July 28, 2013, counsel for Montalvo was ordered to prepare written sanctions orders consistent with the court's rulings, and to provide notice of the orders to Respondent pursuant to Civil Code section 2025.450(c). Respondent received the proposed orders prepared by Montalvo's counsel as ordered regarding the July 24, 2013 hearing. Respondent did not file any objections to the two sanctions orders; and the court entered the two discovery orders on August 7, 2013.

Montalvo's counsel served the notices of entry of orders with the accompanying signed court orders on Respondent on August 13, 2013. Respondent received the notices of entry with the attached court orders. To date, Respondent has not paid the discovery sanctions imposed on August 7, 2013.

On August 23, 2013, Montalvo filed a motion for sanctions based on Respondent's failure to pay the aforementioned discovery sanctions. Despite her receipt of the motion for sanctions, Respondent did not file any opposition to the motion and did not appear at the hearing on October 1, 2013.

At the October 1, 2013 hearing, the court reset the hearing for November 7, 2013, and ordered Respondent to personally appear for the hearing. On November 7, 2013, Respondent appeared at the hearing and the parties reached a stipulation regarding discovery. The parties' stipulation, however, did not resolve the motion for sanctions. The court reserved the motion for sanctions, and reset the hearing for December 20, 2013.

The court continued the December 20, 2013 hearing on the motion for sanctions to February 3, 2014. On February 3, 2014, the court, on its own motion, rescheduled the hearing for sanctions for February 19, 2014. On February 10, 2014, the court clerk emailed both counsel to obtain new available dates for the hearing on the motion for sanctions. Respondent confirmed she was available March 14, 2014.

On February 18, 2014, the court clerk served notice on both counsel of the new hearing date of March 14, 2014, for the motion for sanctions. Despite receiving notice of the continued hearing date, Respondent did not appear at the March 14, 2014 hearing.

At the hearing on March 14, 2014, the court imposed sanctions of $1,500 payable to the court pursuant to Code of Civil Procedure section 177.5. The sanctions were imposed based on Respondent's failure to obey the previous order to pay sanctions. (See Exhibit 79.) The court ordered Montalvo's counsel to prepare a proposed order setting forth the history of the motion, and to provide Respondent notice of the proposed order. The court further ordered that if Respondent had any objections to the proposed order, she was to timely lodge her objections and notify Montalvo's counsel. If there were any objections to the proposed order, Respondent was ordered to personally appear for a hearing on March 27, 2014.

Montalvo's counsel properly served the proposed order on Respondent. Respondent was aware of the proposed order.

Respondent did not lodge any objections to the proposed order before March 27, 2014. On that date, Respondent did not appear at the hearing on the proposed order; however, the court continued the hearing after considering a letter Respondent faxed to the court. The court scheduled a hearing on April 3, 2014, to consider the proposed order imposing sanctions. The court ordered counsel to be personally present at the April 3, 2014 hearing.

On April 3, 2014, the court held the continued hearing on the proposed order imposing sanctions. The court clerk contacted Respondent and was informed that Respondent would not be appearing for the hearing. The court signed the proposed sanctions order on April 3, 2014, and a copy of the signed sanctions order was properly served on Respondent on April 9, 2014. Respondent was aware of the April 3, 2014 sanctions order shortly after it was issued, but did not report it to the State Bar.

On May 19, 2014, the court issued an order granting summary judgment and dismissing Fotinos's case with prejudice. Respondent has not been granted relief from any of the aforementioned sanctions. Respondent has not paid any of the sanctions, and there is no indication that Respondent intends to pay any portion of the court-ordered sanctions.

Conclusions

Count One – § 6103 [Failure to Obey a Court Order]

Section 6103 provides, in pertinent part, that a willful disobedience or violation of a court order requiring an attorney to do or forbear an act connected with or in the course of the attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment. By not complying with the August 7, 2013 court order requiring her to pay sanctions in the amounts of $1,725 and $2,500, Respondent disobeyed or violated an order of the court requiring her to do or forbear an act or acts connected with or in the course of her profession which Respondent ought in good faith to do or forbear, in willful violation of section 6103.

Count Two – § 6103 [Failure to Obey a Court Order]

By not complying with the April 3, 2014 court order requiring her to pay sanctions in the amount of $1,500, Respondent disobeyed or violated an order of the court requiring her to do or

forbear an act or acts connected with or in the course of her profession which Respondent ought in good faith to do or forbear, in willful violation of section 6103.

Count Three – § 6068, subd. (o)(3) [Failure to Report Sanctions]

Section 6068, subdivision (o)(3), provides that within 30 days of knowledge, an attorney has a duty to report to the State Bar, in writing, the imposition of judicial sanctions against the attorney of $1,000 or more which are not imposed for failure to make discovery. Respondent willfully violated section 6068, subdivision (o)(3), by failing to report to the State Bar the $1,500 sanction the court imposed on Respondent on April 3, 2014,[3] in connection with Respondent's failure to comply with the court's previous sanctions order.

Case No. 14-O-03165 – The Probation Violation Matter

Facts

In a Stipulation re Facts, Conclusions of Law and Disposition and Order Approving, in case no. 06-O-12210, et al., filed on April 14, 2010, and effective on July 29, 2011(Stipulation), Respondent was suspended from the practice law for two years. The suspension was stayed and she was placed on probation for two years with conditions, including, among other conditions, actual suspension for the first 60 days of her probation and compliance with the conditions of probation recommended by the Hearing Department in the Stipulation. The conditions of probation required that Respondent timely: (1) file quarterly reports at specified intervals; (2) take and successfully complete the State Bar's Ethics School (Ethics School); (3) provide proof of completion of four hours of in-person minimum continuing legal education (MCLE) on the subject of ethics; and (4) file a final probation report.

On April 17, 2012, more than three months before she was required to complete her MCLE and Ethics School requirements, Respondent emailed the Office of Probation, asking

[3] The NDC contains a typographical error identifying this date as "April 3, 3014."

whether she could apply for an extension of her due dates for compliance. That same day, the Office of Probation replied to Respondent's email informing her that she must file a request with the State Bar Court to obtain such an extension. Respondent, however, did not attempt to file her request for extension with the State Bar Court until August 1, 2012, more than three months after the Office of Probation had informed her she must file a motion with the court, and four days after her MCLE and Ethics School compliance deadlines had passed.[4]

Quarterly Reporting

Respondent was required to timely submit quarterly reports on each January 10, April 10, July 10, and October 10 of the period of probation. Respondent failed to timely file three quarterly reports by their due dates of January 10, 2012; October 10, 2012; and April 10, 2013. These reports were filed slightly late, on January 11, 2012;[5] October 15, 2012; and April 12, 2013, respectively.

The State Bar further alleged that Respondent failed to submit her quarterly report due on January 10, 2013. Respondent, however, mailed that quarterly report in on time on January 8, 2013. As it was early in January, Respondent mistakenly dated the January 8, 2013 quarterly report with the previous year, i.e., 2012. Due to this minor and common typographical error, the Office of Probation did not accept the January 10, 2013 quarterly report for filing. This court concludes that such conduct does not demonstrate a willful probation violation.

Ethics School

Respondent was required to attend Ethics School by July 29, 2012. Respondent failed to attend and provide proof of completion of Ethics School by that date.

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[4] Respondent's August 1, 2012 motion was not filed with the court.

[5] For the January 10, 2012 report, Respondent called the Office of Probation on January 10, 2012, and told them she would be late. The next day, she hand-delivered the quarterly report to the Office of Probation.

On August 1, 2012, Respondent served on the Office of Probation (but failed to properly file) a motion which requested an extension of time to complete her Ethics School and her MCLE requirement. In her motion, Respondent stated that she "forgot" to sign up for Ethics School earlier than 2012 because she was occupied with clients who were the victims of domestic violence and she feared for their safety. On August 16, 2012, the Office of Probation informed Respondent that her motion was not filed with the court. Respondent attended Ethics School approximately a month later, on August 23, 2012, and provided proof of completion to the Office of Probation on September 6, 2012.

MCLE Hours

In addition to Ethics School, Respondent was required to take four in-person MCLE hours on the subject of ethics. Respondent failed to complete her MCLE requirement by July 29, 2012.

On September 6, 2012, Respondent submitted to the Office of Probation MCLE certificates for four hours of ethics; however, these were not accepted by the Office of Probation, as they did not comply with the requirement that the MCLE be in-person. Respondent was informed of the rejection on September 10, 2012.

On December 5, 2012, the Office of Probation sent an email to Respondent informing her that she was still not in compliance with her MCLE requirements in that she had not provided proof of completion of four hours of in-person MCLE in ethics. On that same date, the Office of Probation suggested that Respondent attend the State Bar's Client Trust Account School (CTA School) on December 14, 2012, to get three hours of live ethics. Respondent attended CTA School and provided proof of completion on January 8, 2013. Respondent later provided proof of the remaining one hour of ethics MCLE on April 30, 2013.

Multistate Professional Responsibility Examination

Respondent did not timely take and pass the Multistate Professional Responsibility Examination (MPRE) as ordered by the Supreme Court on June 29, 2011. As a result, the Review Department issued an order on September 6, 2012, stating that Respondent would be suspended, effective October 1, 2012, pending proof of passage of the MPRE. Respondent, however, subsequently passed the MPRE and the Review Department terminated its suspension order on September 27, 2012, four days before it took effect.

The State Bar alleged that Respondent's failure to timely take and provide proof of passage of the MPRE by July 29, 2012, constituted a failure to comply with a condition of probation. The court disagrees. The Supreme Court's order that Respondent comply with the conditions of probation contained in the Stipulation is separate from its order that she take and pass the MPRE. An attorney's timely passage of the MPRE is regulated and controlled by administrative and automatic mechanisms, which, in this case, nearly resulted in Respondent's suspension. Since the present MPRE order was a separate condition with its own enforcement mechanisms, it cannot also be construed to be a "condition of probation."

Conclusion of Law

Count One – § 6068, Subd. (k) [Failure to Comply with Probation]

Section 6068, subdivision (k), provides that an attorney has a duty to comply with all conditions attached to any disciplinary probation. By failing to timely: (1) complete and provide proof of Ethics School; (2) complete and provide proof of four hours of in-person ethics MCLE; (3) submit three quarterly reports; and (4) submit a final report, Respondent failed to comply with conditions attached to her disciplinary probation, in willful violation of section 6068, subdivision (k).

Aggravation[6]

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds the following with respect to aggravating circumstances.

Prior Record of Discipline (Std. 1.5(a).)

Respondent has been previously disciplined on two occasions. Similar to the present case, both of Respondent's prior discipline matters involve failing to comply with court orders. The court assigns significant weight to Respondent's prior record of discipline.

Effective July 13, 2005, Respondent was privately reproved with conditions in State Bar Court case no. 00-O-13850. In that matter, Respondent stipulated to misconduct resulting in multiple contempt and sanctions orders, which included failing to maintain respect due to the court and failing to obey a court order. In mitigation, Respondent had no prior record of discipline and cooperated with the disciplinary investigation. In aggravation, Respondent committed multiple acts of misconduct.

On July 29, 2011, the Supreme Court issued order no. S187076 (State Bar Court case nos. 06-O-12210; 07-H-12920) suspending Respondent from the practice of law for two years, stayed, with two years' probation, including a sixty-day actual suspension. In this matter, Respondent stipulated to misconduct in two separate matters. In the first matter, Respondent accepted and continued employment that she knew or should have known had the objective of presenting a claim or defense that was not warranted under existing law. In the second matter, Respondent failed to comply with the terms of her private reproval. In aggravation, Respondent

[6] All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

committed multiple acts of misconduct and had a prior record of discipline. In mitigation, Respondent cooperated with the State Bar.

Lack of Insight

Respondent demonstrated little insight or understanding of her own misconduct. She justifies her actions by asserting that she is the "champion of abuse women" and proclaiming that San Mateo County is corrupt. It remains unclear how failing to respond to discovery and ignoring court-ordered sanctions "championed" her client's cause. What is clear, however, is that Respondent does not intend to pay the court-ordered sanctions.

In her probation violation matter, Respondent asserts that the State Bar set her up. She further argued that the State Bar brought charges against her because she sued them, and that she should not be disciplined for just being late on probation conditions. She takes little to no personal responsibility for the underlying misconduct.

Respondent's lack of insight and understanding regarding the present misconduct warrants some consideration in aggravation.

Multiple Acts (Std. 1.5(b).)

Respondent's multiple acts of misconduct constitute an aggravating factor.

Mitigation

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds the following with regard to mitigating circumstances.

Good Character (Std. 1.6(f).)

Respondent presented good character evidence from Michele Fotinos and her daughter, Rachel Fotinos.[7] Respondent's two character witnesses lauded Respondent's good character and

[7] Rachel Fotinos demonstrated a limited understanding of the present charges.

competence, and characterized her as a champion for abused women. However, due to the fact that Respondent's good character testimony did not come from a wide range of references, the court assigns nominal weight in mitigation for Respondent's good character evidence. (See *In the Matter of Kittrell* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 615, 624 [two character witnesses insufficient].)

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. *(Chadwick v. State Bar* (1989) 49 Cal.3d. 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d. 1016, 1025; Std. 1.1.)

In determining the level of discipline, the court looks first to the standards for guidance. *(Drociak v. State Bar* (1991) 52 Cal.3d. 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628). Second, the court looks to decisional law. *(Snyder v. State Bar* (1990) 49 Cal.3d. 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.7 provides that if a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed. Standard 1.7 further states that if aggravating or mitigating circumstances are found, they should be considered alone and in balance with any additional aggravating or mitigating factors.

In this case, the standards call for the imposition of a sanction ranging from actual suspension to disbarment. Standard 2.12(a) provides that disbarment or actual suspension is the presumed sanction for disobedience or violation of a court order related to the member's practice of law.

Due to Respondent's prior record of discipline, the court also looks to standard 1.8 for guidance. Standard 1.8(b) states that when an attorney has two prior records of discipline and has previously served a period of actual suspension, disbarment is appropriate 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.

The standards, however, "do not mandate a specific discipline." (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) It has long been held that the court is "not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, [the Supreme Court is] permitted to temper the letter of the law with considerations peculiar to the offense and the offender." (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) Yet, while the standards are not binding, they are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 92.)

The State Bar requested, among other things, that Respondent be actually suspended for six months. Respondent, on the other hand, argued that her case should be dismissed.

The Supreme Court and Review Department have not historically applied standard 1.8(b) in a rigid fashion.[8] Instead, the courts have weighed the individual facts of each case, including whether or not the instant misconduct represents a repetition of offenses for which the attorney has previously been disciplined. (*In the Matter of Thomson* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 966, 977.) When such repetition has been found, the courts are more inclined to find disbarment to be the appropriate sanction. (See *Morgan v. State Bar* (1990) 51 Cal.3d 598, 607; *In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 841; *In the Matter of Thomson, supra*, 4 Cal. State Bar Ct. Rptr. at p. 977.)

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[8] Standard 1.8(b) was previously identified as standard 1.7(b).

While the present matter involves a repetition of prior offenses (i.e., failing to comply with court orders), the court takes into consideration the limited scope of Respondent's prior discipline. Respondent's first discipline was a private reproval and her second discipline involved a 60-day period of actual suspension. Based on the limited nature of the present misconduct, this court concludes that a recommendation of disbarment would be excessive under these circumstances.

Turning to the applicable case law, the court finds some guidance in *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567. In *Gorman*, the attorney initially received a one year stayed suspension with two years' probation for failing to maintain trust funds in his CTA and failing to update his State Bar membership records address. He subsequently failed to timely complete the State Bar Ethics School and timely pay restitution, as required by the terms of his probation. In aggravation, the Review Department found that the attorney's use of the name of his employer in his pleadings constituted, at the very least, a misrepresentation of that office's official participation in the State Bar proceedings. Further, the repeated need of the State Bar to intervene and seek the attorney's compliance with his probationary conditions was also considered as a factor in aggravation. In mitigation, the attorney cooperated with the State Bar by entering into a stipulation. The Review Department ultimately recommended that the attorney be suspended for one year, stayed, with two years' probation, and a 30-day actual suspension.

Gorman involves less egregious misconduct than the present case. The attorney in *Gorman* violated only two conditions of probation and subsequently complied, albeit in an untimely fashion, with both of these conditions. Here, on the other hand, Respondent filed four late quarterly reports (including her final report), and failed to timely comply with her Ethics School and MPRE requirements. In addition, Respondent was found culpable on three other

counts of misconduct, including two counts of failing to obey court orders. Further, Respondent demonstrated a lack of insight into her misconduct, which is particularly troubling considering that her two prior disciplinary matters also involved failing to comply with court orders. Accordingly, this court concludes that the present matter warrants a significantly greater level of discipline than *Gorman*.

In view of Respondent's misconduct, the case law, the standards, and the mitigating and aggravating factors, this court finds that, among other things, a six-month period of suspension and until full payment of the outstanding court sanctions is appropriate, and provides adequate protection for the courts, the public, and the legal profession.

Recommendations

It is recommended that respondent **Patricia Joan Barry**, State Bar Number 59116, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that Respondent be placed on probation[9] for a period of three years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first six months of probation, and Respondent will remain suspended until the following requirements are satisfied:

    i. She pays the sanctions ordered by the San Mateo County Superior Court on August 7, 2013, in the total amount of $4,225,[10] and furnishes satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles;

    ii. She pays the sanctions ordered by the San Mateo County Superior Court on April 3, 2014, in the amount of $1,500, and furnishes satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles; and

    iii. If Respondent remains suspended for two years or more as a result of not satisfying the preceding requirements, she must also provide satisfactory proof to

[9] The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

[10] This amount is the sum of Respondent's two August 7, 2013 sanctions, i.e., $1,725 + $2,500.

the State Bar Court of her rehabilitation, fitness to practice and present learning and ability in the general law before her actual suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of Respondent's probation.

3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including Respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, Respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.

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 of the conditions of Respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.

5. Subject to the assertion of applicable privileges, Respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to Respondent personally or in writing, relating to whether Respondent is complying or has complied with Respondent's probation conditions.

6. Within one year after the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education requirement, and Respondent will not receive Minimum Continuing Legal Education credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

7. Within 30 days after 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.

At the expiration of the probation period, if Respondent has complied with all conditions of probation, Respondent will be relieved of the stayed suspension.

Multi-State Professional Responsibility Examination

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter, or during the period of respondent's suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: October 20, 2015

LUCY ARMENDARIZ
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 October 20, 2015, I deposited a true copy of the following document(s):

DECISION

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

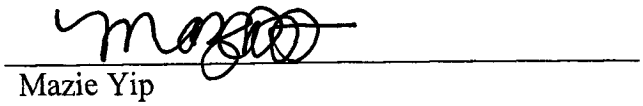
☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

PATRICIA JOAN BARRY
634 S SPRING ST STE 823
LOS ANGELES, CA 90014

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

ERIN M. JOYCE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 20, 2015.



Mazie Yip
Case Administrator
State Bar Court