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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Kim Kasreliovich, No. 261766 Deputy Trial Counsel Ann J. Kim, No. 259222 Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1230 Bar #	Case Number(s): 14-O-03417-LMA	For Court use only <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.2em;">✓</div> <div style="text-align: center; font-weight: bold;">MAR 20 2015</div> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Rebecca Amelia Tapia 4740 Kester Ave Ste 20 Sherman Oaks, CA 91403 (310) 422-5196 Bar # 83053	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: REBECCA AMELIA TAPIA Bar # 83053 A Member of the State Bar of California (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 **November 29, 1978**.
- (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 **15** 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."



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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 [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 **93-C-12612 and 95-O-15304. (See stipulation, at page 11.)**
 - (b) Date prior discipline effective **July 27, 1997**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code sections 6101 and 6102 and Rules of Professional Conduct, rules 3-700(D)(1) and 3-700(D)(2).**
 - (d) Degree of prior discipline **Three-year suspension, stayed; three-year probation subject to conditions including twenty (20) months actual suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

See stipulation, at page 11.
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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, at page 11.)**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Emotional/Physical Difficulties: see stipulation, at pages 11-12.

Pretrial Stipulation: see stipulation, at page 12.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **three (3) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **five (5) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **two (2) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following: **(See stipulation, at page 13).**

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 1.2(c)(1), 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: **Because respondent is moving out of state, an alternative to Ethics School is provided in section F below.**
- (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:**

Other Probation Condition

As a further condition of probation, because respondent is moving out of state, respondent must either 1) attend a session of State Bar Ethics School, pass the test given at the end of that session, and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of discipline herein; or 2) complete six (6) hours of live, in-person Minimum Continuing Legal Education ("MCLE") approved courses in legal ethics offered through a certified MCLE provider in Texas or California and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of the discipline. If respondent elects to complete six hours of MCLE approved courses in lieu of State Bar Ethics School, the MCLE hours required are in addition to any MCLE hours required by rule or statute.

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In the Matter of: REBECCA AMELIA TAPIA	Case Number(s): 14-O-03417 - LMA
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Medical Conditions

- a. Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of **two** times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for **0** days or **0** months or **0** years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

Other Probation Condition:

As a condition of probation, respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist or psychologist ("mental health professional") at respondent's own expense. Respondent must select a mental health professional, who may be the psychologist that respondent is currently seeing or a different mental health professional, for the purpose of submitting to a mental health evaluation and treatment. The mental health professional will determine the course of treatment including how many times per month respondent is to obtain treatment. Respondent must comply with the treatment recommended by the mental health professional and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence and/or continue immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue as required by the mental health professional for the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

Within 45 days of signing this stipulation, respondent shall provide a complete copy of this stipulation to the mental health professional. Within 30 days of the effective date of the discipline in this matter, respondent shall provide to the Office of Probation an original, signed declaration from the mental health professional acknowledging receipt of a complete copy of this stipulation.

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Within 45 days of signing this stipulation, respondent shall execute all necessary waivers of confidentiality with the mental health professional to provide the Office of Probation access to respondent's medical records.

Within 30 days of the effective date of the discipline in this matter, respondent shall provide to the Office of Probation a copy of the waiver provided to the mental health professional. Also within 30 days of the effective date of the discipline in this matter, respondent shall provide to the Office of Probation an original, signed declaration from the mental health professional acknowledging receipt of the waiver.

Within 30 days of the effective date of the discipline in this matter, respondent is to undergo an evaluation with the mental health professional. The evaluation will be for the purposes of (a) determining whether respondent has a current psychological diagnosis, (b) setting treatment conditions respondent is to undertake as a result of the evaluation, if any, and (c) obtaining a written report from the mental health professional. Respondent shall bear all costs of the Evaluation, the resulting report, and any treatment conditions recommended by the mental health professional. Respondent understands that her treatment conditions may change if the mental health professional deems it necessary, and that she is to bear the cost of such treatment. Respondent understands that (a) the treatment conditions, if any, shall become part of her probation requirements, (b) she must provide the Office of Probation with any proof of treatment compliance or waiver requested by the Office of Probation, and (c) any violation of the treatment conditions is a violation of the probation requirements.

Within 60 days of the effective date of the discipline in this matter, respondent is to provide a copy of the mental health professional's written report to the Office of Probation. If the mental health professional requires additional information in order to propose treatment conditions, including, but not limited to, interviewing third parties, respondent will make good faith efforts to timely provide the additional information. Respondent will provide proof of such good faith efforts to the Office of Probation within 10 days of any request.

Within 10 days of any change in treatment condition, respondent is to provide written notice to the Office of Probation specifically setting forth the changes. With that written notice, respondent is to provide an original, signed declaration from the mental health professional acknowledging receipt of the written notice and agreement with its accuracy.

Respondent shall report compliance with the treatment conditions by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to the discipline in this matter.

Respondent shall have her mental health professional submit to the Office of Probation an original, signed declaration that respondent is in compliance with the treatment conditions by each January 10, April 10, July 10, and October 10 of the period of probation imposed pursuant to the discipline in this matter. Respondent understands that the declarations and reports may be shared with the Office of the Chief Trial Counsel and the State Bar Court.

Respondent understands that treatment conditions associated with other issues or entities, such as a criminal probation, may not satisfy treatment conditions required by this section.

If the treating mental health professional is changed, or if a treating mental health professional is added, respondent must notify the Office of Probation of the name, address, and telephone number of all such mental health professionals within ten days of retaining of each one. Within 30 days of retaining each such mental health professional, respondent must provide to the Office of Probation an original signed declaration from the mental health professional stating that he/she received a complete copy of this stipulation. Also within 30 days of retaining each such mental health professional, respondent must provide to the Office of Probation an executed waiver of confidentiality as well as an original, signed declaration from the mental health professional acknowledging receipt of the waiver.

If the treating mental health professional determines that there has been a substantial change in respondent's condition, respondent or Office of Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the mental health professional by affidavit or penalty of perjury, in support of the proposed modification.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: REBECCA AMELIA TAPIA

CASE NUMBER: 14-O-03417-LMA

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 14-O-03417 (State Bar Investigation)

FACTS:

1. On January 12, 2010, the California Supreme Court filed an order in Case No. S177647 (State Bar Court Case Nos. 03-C-05219, 03-O-03756, 04-O-11495, 06-O-10738, 06-O-14219, 07-O-10612, and 07-O-14520), which became effective on February 11, 2010, consisting of the following discipline for respondent: a two-year stayed suspension and a five-year probation subject to the conditions recommended by the Hearing Department of the State Bar Court in its September 1, 2009 order including a four-month actual suspension. On January 12, 2010, the clerk of the Supreme Court served a copy of this order on respondent at her State Bar membership records address. Respondent received the Supreme Court order.
2. Pursuant to the Supreme Court order, respondent was ordered to comply with the following terms and conditions of probation, among others:
 - a. To 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 with a final report due on February 11, 2015;
 - b. To comply with all conditions of probation imposed in respondent's underlying criminal matter and to so declare under penalty of perjury in conjunction with all quarterly reports required to be submitted to the Office of Probation;
 - c. To comply with all provisions and conditions of respondent's Participation Agreement with the Lawyer Assistance Program ("LAP");
 - d. If respondent possesses client funds at any time during the period covered by a quarterly report, to file with the Office of Probation a Client Funds Certificate completed by a Certified Public Accountant ("CPA");
 - e. If respondent does not possess any client funds, property or securities during the period covered by a quarterly report, to so declare under the penalty of perjury in conjunction with all quarterly reports filed with the Office of Probation; and
 - f. To submit proof of full payment of the judgment in the case of *Estate of Barbara Hindry, deceased*, Los Angeles County Superior Court case number BP039801, or proof that respondent has successfully vacated the judgment by May 11, 2014.

3. Respondent failed to comply with multiple conditions of her probation. Respondent's period of probation terminated on February 11, 2015.

4. During the period of probation, respondent failed to timely submit to the Office of Probation six quarterly reports, including the reports due by:

- a. July 10, 2010 (Respondent submitted this quarterly report on July 12, 2010);
- b. October 10, 2010 (Respondent submitted this quarterly report on October 12, 2010);
- c. January 10, 2013 (Respondent submitted this quarterly report on February 1, 2013);
- d. January 10, 2014 (Respondent submitted this quarterly report on June 26, 2014);
- e. April 10, 2014 (Respondent submitted this quarterly report on June 26, 2014); and
- f. July 10, 2014 (Respondent submitted this quarterly report on July 14, 2014).

5. Respondent failed to timely report to the Office of Probation compliance with the conditions of probation imposed in the underlying criminal matter, which was due by:

- a. July 10, 2010 (Respondent submitted this report on July 12, 2010);
- b. October 10, 2010 (Respondent submitted this report on October 12, 2010);
- c. January 10, 2013 (Respondent submitted this report on February 1, 2013);
- d. January 10, 2014 (Respondent submitted this report on June 26, 2014);
- e. April 10, 2014 (Respondent submitted this report on June 26, 2014); and
- f. July 10, 2014 (Respondent submitted this report on July 14, 2014).

6. Respondent failed to timely report to the Office of Probation that she did not possess any client funds, property or securities during the preceding quarter in the quarterly reports that were due by:

- a. July 10, 2010 (Respondent submitted this report on July 12, 2010);
- b. October 10, 2010 (Respondent submitted this report on October 12, 2010);
- c. January 10, 2013 (Respondent submitted this report on February 1, 2013);
- d. January 10, 2014 (Respondent submitted this report on June 26, 2014);
- e. April 10, 2014 (Respondent submitted this report on June 26, 2014); and
- f. July 10, 2014 (Respondent submitted this report on July 14, 2014).

7. Respondent failed to timely submit to the Office of Probation the Client Funds Certificate due by October 10, 2011 (Respondent submitted this Client Funds Certificate on May 18, 2012).

8. Respondent failed to timely submit to the Office of Probation the LAP report due by October 10, 2010 (Respondent submitted this report on December 22, 2010).

9. Finally, to date, respondent has failed to provide to the Office of Probation proof of full payment of the judgment in the case of *Estate of Barbara Hindry* or proof that respondent successfully vacated the judgment, which was due by May 11, 2014.

CONCLUSIONS OF LAW:

10. By failing to timely submit to the Office of Probation six quarterly reports, six reports of compliance with conditions of probation in the underlying criminal matter, six Protection of Client Funds Reports, one Client Funds Certificate, and one LAP report and by failing to submit to the Office of Probation proof of payment or vacation of the judgment in the *Estate of Barbara Hindry*, respondent failed to comply with the conditions attached to respondent's disciplinary probation in State Bar Court Case Nos. 03-C-05219, 03-O-03756, 04-O-11495, 06-O-10738, 06-O-14219, 07-O-10612, and 07-O-14520, in willful violation of Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has two prior records of discipline. Effective July 27, 1997, respondent received a three-year stayed suspension and a three-year probation with condition including 20 months of actual suspension in case numbers 93-C-12612 and 95-O-15304. In case 93-C-12612, respondent was criminally convicted for altering court dockets in violation of Government Code 6201, a misdemeanor. The facts and circumstances surrounding the conviction involved moral turpitude. The misconduct occurred in 1993. In case 95-O-15304, Respondent violated Rules of Professional Conduct, rules 3-700(D)(1) and 3-700(D)(2), when she ignored two requests by her former client's successor attorney to return the client's file, and did not respond to her former client's request that she return \$5,000 in unearned advance fees even after an arbitrator awarded her former client \$5,250 plus interest. The misconduct occurred from 1994 to 1995. In aggravation, respondent's misconduct involved dishonesty and concealment and caused harm to her client and the administration of justice. In mitigation, respondent was undergoing severe emotional and physical difficulties and displayed spontaneous candor and cooperation.

Effective February 11, 2010, respondent received a two-year stayed suspension and a five-year probation subject to conditions including a four-month actual suspension in case numbers 03-C-05219; 03-O-03756, 04-O-11495, 06-O-10738, 06-O-14219, 07-O-10612, and 07-O-14520. Respondent was criminally convicted for driving under the influence, a misdemeanor that did not involve moral turpitude but that did involve misconduct warranting discipline. Respondent also violated Rules of Professional Conduct, rules 4-100(B)(3) (failure to provide an accounting); 3-700(D)(2) (failure to promptly refund any part of a fee paid in advance that had not been earned); 3-110(A) in two matters (intentional, reckless or repeated failure to perform legal services with competence); 4-100(A) in two matters (commingling personal funds in a client trust account); and violated Business and Professions Code section 6068(m) (failure to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services). The misconduct took place between 2000 and 2007 in five client matters and one criminal conviction matter. In aggravation, respondent had one prior record of discipline and multiple acts of misconduct. In mitigation, respondent cooperated with the investigation, her clients were not harmed, and she was undergoing emotional and physical difficulties.

Multiple Acts of Misconduct (Std. 1.5(b)): From July 10, 2010 to present, respondent committed multiple acts of misconduct by failing to comply with 21 conditions of probation by filing six late quarterly reports, six late reports of compliance with conditions of probation in the underlying criminal matter, six late reports that she was not in possession of client funds, one late Client Funds Certificate, and one late LAP report, and by failing to provide proof of full payment of the judgment in the case of *Estate of Barbara Hindry* or proof that respondent successfully vacated the judgment by May 11, 2014.

MITIGATING CIRCUMSTANCES.

Emotional/Physical Difficulties: Respondent has provided medical records and reports from her psychologist and neurologist that establish that respondent suffered from emotional and physical difficulties during the probationary period which impeded her ability to comply with certain probation conditions. In 2009, respondent was diagnosed with clinical depression and prescribed medication. However, she stopped taking the medication in 2011 due to costs and her concern that it would affect her sobriety. From January 2013 through May 2014, respondent was hospitalized for various physical and emotional difficulties. In late 2013, respondent fell into depression again. She began seeing a

psychologist in early 2014. Respondent continues to see her psychologist and neurologist on a regular basis and is taking anti-depression medication to continue to manage her clinical depression and anxiety. Respondent's emotional/physical difficulties appear to be under control and steady progress toward rehabilitation has been shown. (*In the Matter of Deierling* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr 552, 560-561.)

Pretrial Stipulation: Respondent admitted her misconduct and entered into this stipulation fully resolving this matter prior to the trial, thus saving the State Bar resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521.)

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 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.) 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).)

Both Standards 2.10 and 1.8(b) are applicable here. Standard 2.10 provides that actual suspension is appropriate for a failure to comply with the conditions of probation (Business and Professions Code section 6068(k)). The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders.

Standard 1.8(b) also applies and provides in relevant part:

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 ...

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.

Pursuant to Standards 2.10 and 1.8(b), disbarment would be appropriate in this matter. Respondent has two prior records of discipline in which actual suspension was ordered. Further, respondent's violations of probation coupled with the conduct in her prior disciplinary matters demonstrate that respondent has had challenges in conforming to her ethical responsibilities. To date, respondent has yet to provide proof of full payment of the judgment in the case of *Estate of Barbara Hindry* or proof that respondent successfully vacated the judgment, which was due by May 11, 2014.

However, respondent provided clear and convincing evidence of compelling mitigating circumstances. Respondent submitted medical records and reports from her psychologist and neurologist regarding the emotional and physical difficulties she suffered at the time of the misconduct, which were directly responsible for the misconduct. Although respondent has previously received mitigating credit for emotional difficulties, she has demonstrated that her emotional difficulties are now appropriately controlled and managed through medication and regular therapy with her psychologist, and given that the current misconduct is not client related and respondent belatedly complied with all of the probation conditions except for the satisfaction of judgment in the *Hindry* matter, disbarment is not necessary. There are compelling mitigating circumstances to deviate from Standard 1.8(b) and reduce the level of discipline from disbarment.

A three-year stayed suspension and five-year probation with conditions including a two-year actual suspension and until respondent resolves the matter regarding the Estate of Barbara Hindry and shows proof satisfactory to the State Bar Court of rehabilitation, present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) will serve the goals of protection of the public, the courts, and the legal profession.

ACTUAL SUSPENSION.

In addition to the Standard 1.2(c)(1) condition set forth in section D(3)(a)(i) on page 4 of this Stipulation, respondent must be actually suspended from the practice of law until she does the following: provides proof, in the form of a confirmed copy of a satisfaction of judgment, of full payment of the judgment in the case of *Estate of Barbara Hindry, deceased*, Los Angeles County Superior Court case number BP039801, or proof that respondent successfully vacated the judgment.

In the event respondent, through negotiations with County Counsel and the Estate of Barbara Hindry obtains an agreement by the parties for payment of a reduced amount, respondent must provide the Office of Probation with proof of said agreement, as well as proof that she has completed payment of the compromised amount.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 27, 2015, the prosecution costs in this matter are \$3,497. 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.

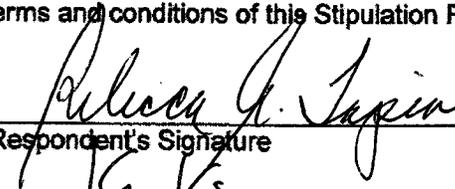
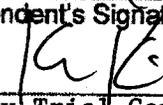
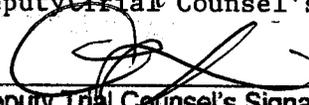
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: REBECCA AMELIA TAPIA	Case number(s): 14-O-03417 - LMA
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SIGNATURE OF THE PARTIES

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

<u>2/27/2015</u> Date	 Respondent's Signature	<u>Rebecca Amelia Tapia</u> Print Name
<u>3/4/2015</u> Date	 Deputy Trial Counsel's Signature	<u>Kim Kasreliovich</u> Print Name
<u>3/4/2015</u> Date	 Deputy Trial Counsel's Signature	<u>Ann J. Kim</u> Print Name

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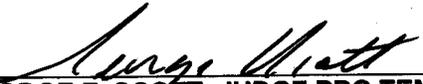
In the Matter of: REBECCA AMELIA TAPIA	Case Number(s): 14-O-03417 - LMA
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ACTUAL SUSPENSION ORDER

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

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

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 3-19-15 
GEORGE E. SCOTT, JUDGE PRO TEM
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 March 20, 2015, 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 San Francisco, California, addressed as follows:

REBECCA AMELIA TAPIA
4740 KESTER AVE STE 20
SHERMAN OAKS, CA 91403

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

ANN J. KIM, Enforcement, Los Angeles

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



Mazie Yip
Case Administrator
State Bar Court