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State Bar Court of California Hearing Department San Francisco PROBATION VIOLATION		
Counsel For The State Bar Terrie Goldade 845 S. Figueroa St. Los Angeles, CA 90017-2515 Bar # 155348	Case Number(s): 14-PM-05104	For Court use only <div style="text-align: right;">  FILED MAY 18 2015 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
Counsel For Respondent Julia M. Young 4120 Douglas Blvd #306-494 Granite Bay, CA 95746 Bar # 225077	Submitted to: Settlement Judge	
In the Matter of: Cynthia Renee Brown Bar # 207823 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PROBATION VIOLATION—"PM" PROCEEDING <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 5, 2000**.
- (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 **9** 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."

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- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ Costs are added to membership fee for calendar year following effective date of discipline (no actual suspension).
 - ☒ 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 (actual suspension).
 - ☐ 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 **10-O-02067, 10-O-02574**
 - (b) ☒ Date prior discipline effective **July 5, 2012**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **RPC, rule 4-100; and 2 violations of SBA section 6106.3**
 - (d) ☒ Degree of prior discipline **two years stayed, three years probation with 60 days actual suspension**
 - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline." **State Bar Court Case Nos. 12-O-12482 and 12-C-10248, effective October 4, 2014. RPC rule 4-100(A) violation. 2 years stayed, two years probation with 120 days actual suspension.**
- (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.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

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- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **Multiple violations of probation conditons.**
- (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.
- (12) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See pages 7-8.

D. Discipline (choose only one):

- (1) ☐ **Probation extended:** Respondent's probation in _____ is extended for _____.
- (2) ☒ **Probation revoked; Probation Reinstated; Actual Suspension:** Respondent's probation is revoked and reinstated for two years on the same terms and conditions as previously imposed in **10-O-02067 and 10-O-02574/S200651**. The terms of probation remain the same as in the prior order except as indicated below. In addition, Respondent must be actually suspended from the practice of law for **6 months**.
- (3) ☐ **Probation revoked; Probation Reinstated; No Actual Suspension:** Respondent's probation is revoked and reinstated for _____ on the same terms and conditions as previously imposed in _____. The terms of probation remain the same as in the prior order except as indicated below.
- (4) ☐ **Probation revoked; Probation not Reinstated; Actual Suspension:** Respondent's probation is revoked. Respondent must be suspended from the practice of law for _____.

E. In addition to conditions previously imposed by the Supreme Court in its prior order, the following new conditions are recommended by this stipulation:

- (1) ☐ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☐ 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.
- (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 in each report 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.

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During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

- (7) ☐ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|-----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☐ Probation Conditions Deleted or Modified: :
- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- (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 provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- (4) ☒ **Other:** Respondent must continue her quarterly reporting condition. As a new condition, within one year of the effective date of this discipline, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of Client Trust Accounting School, within the same time period, and proof of passage of the test given at the end of that session.

Attachment language (if any):

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that she is culpable of the specified violations.

1. On January 12, 2012, the State Bar Court filed and served upon Respondent an Order Approving Stipulation re Facts, Conclusions of Law and Disposition and Order Approving Stayed Suspension in State Bar Court Case Nos. 10-O-02067 and 10-O-02574 ("Stipulation").

2. On June 5, 2012, the California Supreme Court filed Order No. S200651 (State Bar Court Case Nos. 10-O-02067 and 10-O-02574) suspending Respondent from the practice of law for two years; execution of that period of suspension was stayed, and Respondent was placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 12, 2012.

3. Among other conditions of probation, Respondent was ordered to (a) comply with the State Bar Act and Rules of Professional Conduct and to report such compliance, along with her compliance with all probation conditions, to the Office of Probation under penalty of perjury on or before January 10, April 10, July 10, and October 10 of every year during the period of probation ("quarterly reports"); and (b) pay restitution (including the principal amount, plus interest of 10% per annum) to the payees listed below and to provide satisfactory proof of payment to the Office of Probation not later than two years from the effective date of discipline—by July 5, 2014.

Payee	Principal Amount	Interest Accrues From
John di Schiavi and Irene Reyes	\$897.50	11/6/09
Bill and Karen Moore	\$1,494.96	1/11/10
Edward Boe	\$1,495	2/16/10
Nathaniel Giles	\$150	11/19/09
Lewis Roper	\$150	3/10/10
Vincent Vong	\$100	5/17/10
Cecilia Masinas and Erik Neighbour	\$2,490	2/9/10

4. On June 25, 2012, the Office of Probation mailed a courtesy reminder letter to Respondent at her membership records address reminding her of the conditions and deadlines of her probation. Respondent received the letter.

5. On July 31, 2012, the Office of Probation conducted a telephonic meeting with Respondent, reviewing all of Respondent's conditions and deadlines.

6. On March 28, 2014, Respondent's counsel served the Office of Probation with a motion requesting a modification of restitution payments. Respondent requested that State Bar restitution payees have their payments stayed pending successful completion of the restitution payments in her criminal matter. On April 4, 2014, the Office of Probation filed and served its opposition noting that Respondent had not stated why she wanted an extension of time to make her payments and agreeing that no victim should be paid under the State Bar matter and then paid again as part of the criminal matter. The Office of Probation requested proof that Respondent was making payments in the criminal matter, via the Department of Revenue and Recovery ("DRR"), and that her payments were disbursed to payees within the State Bar matter. Not all State Bar payees were also criminal matter payees, and vice versa. On April 10, 2014, the Court filed an order denying Respondent's request for modification of restitution payments and reminding Respondent that proof of restitution payments was due to the Office of Probation on or before July 5, 2014.

7. On June 26, 2014, Respondent's counsel served the Office of Probation with another motion making a similar request for an extension of time and modification of her restitution payments. On July 3, 2014, the Office of Probation filed an opposition noting that Respondent had not provided proof of payments in relation to the criminal matter and that the Office of Probation would need dates of payment made in relation to the

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criminal matter in order to calculate the amount of interest owed. The Office of Probation did note that a modification may be needed in the future if Respondent did not personally pay all of the restitution as was ordered in the State Bar matter; that is, the Department of Revenue and Recovery paid some of the criminal victims (who were also State Bar payees) with funds obtained from sources other than Respondent.

8. On August 15, 2014, Respondent's counsel provided to the Office of Probation some documentation purporting to be proof of restitution; it was inadequate.

9. On August 26, 2014, the Office of Probation mailed Respondent's counsel a letter stating that it had not received proof of full payment of restitution, including that original declarations of payees were required, etc.

10. On September 25, 2014, the Office of Probation filed and served the motion to revoke Respondent's probation.

11. On February 2, 2015, Respondent filed her quarterly report due January 10, 2015; on February 5, 2015, Respondent filed her quarterly report due July 10, 2014.

12. The State Bar restitution payees have now received restitution, as follows:

Payee	Proof due	Proof filed	Payment Completed	Comments
John di Schiavi and Irene Reyes	7/5/14		4/6/15	Paid in part by DRR
Bill and Karen Moore	7/5/14	12/29/14	8/14/14	
Edward Boe	7/5/14	11/19/14	10/31/14	Paid in part by DRR
Nathaniel Giles	7/5/14	3/9/15	3/3/15	
Lewis Roper	7/5/14	3/9/15	2/26/15	
Vincent Vong	7/5/14		4/6/15	
Cecilia Masinas and Erik Neighbour	7/5/14	12/29/14	10/30/14	Paid in part by DRR

Legal Conclusion: By failing to (1) timely file her quarterly reports due by July 10, 2014 and January 10, 2015; and (2) failing to timely make restitution and provide proof of restitution due by July 5, 2014, as set forth in paragraph 12 above, Respondent willfully violated Business and Professions Code, section 6068(k).

OTHER CIRCUMSTANCES WHICH WERE CONSIDERED IN THE RESOLUTION OF THIS MATTER.

Respondent asserts that she did not have current contact information for two of the payees and copies of canceled checks were under the control of the DRR which would not release the information for privacy reasons until a subpoena was issued; DRR was first contacted on behalf of Respondent on April 1, 2014.

Respondent now understands that she needs to comply with each condition on a timely basis; she understands that even if she experiences other problems in the future, she must file a motion for modification and continue to comply with her conditions until an order is filed modifying her conditions.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was April 17, 2015.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.10 states that actual suspension is appropriate for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders.

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An attorney who violated his probation by failing to timely complete restitution and by failing to timely attend Ethics School, received two years' probation with a condition that he was to be actually suspended for the first 30 days. In the Matter of Gorman (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567. Neither bad purpose nor intentional evil is required to establish willful violations of disciplinary probation. Id. at 572. An attorney's cooperation in stipulating to facts warrants some mitigative consideration. Id. More serious sanctions are assigned to probation violations closely related to reasons for imposition of previous discipline or to rehabilitation. Id. at 573-574. See also, In the Matter of Taggart (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302 (Respondent received 6 months actual suspension for probation violation).

The probation conditions violated were related to her original misconduct, important for her rehabilitation, and were intended to assist the State Bar in monitoring Respondent's rehabilitation. However, in light of Respondent's circumstances (set forth above), it is agreed that the degree of discipline set forth in this stipulation is appropriate in relation to standard 2.10 based upon Respondent's stipulation to her violations, and her agreement to reinstate her probation in order to demonstrate her willingness to prove her rehabilitation.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Probation has informed respondent that as of April 17, 2015, 2014, the prosecution costs in this matter are \$2,344. 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.

WAIVER OF ANY VARIANCES

The parties stipulate to waive any variance in the language, allegations, and conclusions of law between this stipulation and the Motion to Revoke Probation filed on September 25, 2014. Respondent acknowledges that this stipulation contains language, allegations, and a conclusion of law which may differ from the language, allegations, and conclusion of law contained in the Motion to Revoke Probation filed on September 25, 2014. The parties further stipulate to waive the right to have any amendment to the Motion to Revoke Probation.


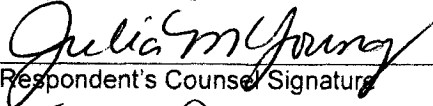

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In the Matter of: Cynthia Renee Brown	Case number(s): 14-PM-05104
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SIGNATURE OF THE PARTIES

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.

4-20-15		Cynthia Renee Brown
Date	Respondent's Signature	Print Name
4-17-15		Julia M. Young
Date	Respondent's Counsel Signature	Print Name
4-27-15		Terrie Goldade
Date	Deputy Trial Counsel's Signature Supervising Attorneys	Print Name

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In the Matter of:
Cynthia Renee Brown

Case Number(s):
14-PM-05104

PROBATION VIOLATION 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

May 18, 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 May 18, 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:

JULIA M. YOUNG
4120 DOUGLAS BLVD # 306-494
GRANITE BAY, CA 95746

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

Terrie L. Goldade, Probation , Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 18, 2015.


Laurretta Cramer
Case Administrator
State Bar Court