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State Bar Court of California Hearing Department Los Angeles REPROVAL			PUBLIC MATTER
Counsel For The State Bar Ann J. Kim Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1230 Bar # 259222	Case Number(s): 16-J-13993	For Court use only <div style="text-align: center;"> FILED DEC 05 2016 <i>P.B.</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
In Pro Per Respondent Raylynna J. Peterson 3537N. Williams Ave. Ste 101 Portland, OR 97227 Bar # 187770	Submitted to: Assigned Judge		
In the Matter of: RAYLYNNA JEAN PETERSON Bar # 187770 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <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 **April 7, 1997**.
- (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 **11** 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".

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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
 - ☐ Case ineligible for costs (private reproof).
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **Three billing cycles immediately following the effective date of the Hearing Department order in this matter.** (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.
- (9) The parties understand that:
- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) ☐ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) ☒ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline**
- (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

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- (2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7) ☐ **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.
- (8) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See attachment, at page 9.**
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☐ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.

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

Additional mitigating circumstances:

No Prior Record of Discipline: see attachment, at page 9.
Prefiling Stipulation: see attachment, at page 9.

D. Discipline:

- (1) ☐ **Private reproof (check applicable conditions, if any, below)**
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) ☒ **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of **one (1) year**.
- (2) ☒ During the condition period attached to the reproof, 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 reprobation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the reprobation conditions period, 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 condition period attached to the reprobation. 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 the reprobation 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of reprobation with the probation monitor to establish a manner and schedule of compliance. During the reprobation conditions period, Respondent must furnish 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 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 conditions attached to the reprobation.
- (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 lives 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 the discipline herein; or 2) complete six (6) hours of live, in-person Minimum Continuing Legal Education ("MCLE") approved courses in legal ethics or law office management offered through a certified MCLE provider in Oregon 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 the 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 statute..**
- (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.

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- (10) ☒ 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 within one year of the effective date of the reprobation.

☐ No MPRE recommended. Reason:

- (11) ☐ 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:

Other Reprobation Condition

Respondent must comply with all conditions of her disciplinary probation in the underlying Oregon State Disciplinary Board matter as long as she remains on probation in that matter, case no. 15-03. Respondent must declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation that she is in compliance with probation in that underlying matter.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RAYLYNNA JEAN PETERSON

CASE NUMBER: 16-J-13993

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 16-J-13993 (Discipline in Other Jurisdiction)

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

1. Respondent was admitted to practice law in the state of Oregon on May 23, 2002. Respondent was admitted to practice law in California on April 7, 1997.
2. On April 16, 2015, the Disciplinary Counsel for the State Bar of Oregon filed disciplinary charges alleging professional misconduct by Respondent.
3. On September 25, 2015, Respondent entered into a stipulation as to facts, conclusions of law, and discipline with the Disciplinary Counsel, in case number 15-03.
4. In case number 15-03, Respondent admitted that she committed violations of rule 1.3 and rule 1.4(b) of the Oregon Rules of Professional Conduct.
5. Rule 1.3 requires that a lawyer not neglect a legal matter entrusted to the lawyer. Rule 1.4(b) requires that a lawyer explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
6. On October 15, 2015, the Oregon State Disciplinary Board approved the disciplinary stipulation which included a 60-day stayed suspension and a two-year probation. The probation included quarterly meetings with a probation supervisor, quarterly reporting, working with a supervising attorney approved by the Oregon State Bar, 15 MCLE sessions emphasizing law office management, meeting with Oregon's Professional Liability Fund for an evaluation of Respondent's law office management practices, monthly self-audits of Respondent's files, and Ethics School in Oregon.
7. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

8. On October 30, 2012, Cherie Thompson hired Respondent for assistance in the legal adoption of her two grandsons. Adoption would entitle Ms. Thompson to receive \$971 per child per month, rather than the approximately \$385 per child per month that she was receiving. Ms. Thompson paid

Respondent \$3,000 for her services, and promptly provided Respondent with all relevant documents and information necessary to initiate the adoption. Respondent's office informed Ms. Thompson that the adoption process would take no more than four months.

9. For two and a half months, from October 2012 to January 2013, Ms. Thompson made multiple telephone calls to Respondent requesting an update on the status of the case. Respondent failed to respond to Ms. Thompson's calls.

10. Between October 2012 and January 2013, Respondent also failed to advance Ms. Thompson's adoption. The only work Respondent performed during the two and a half months was to instruct the paralegal to find the birth father.

11. In January 2013, Ms. Thompson contacted Respondent and demanded her money back. Respondent's staff informed Ms. Thompson that Respondent had put Ms. Thompson's case on the "back burner", but would tend to the matter. Ms. Thompson at that time consented to continue the representation.

12. Between January 2013 and September 2013, Ms. Thompson made several telephone calls to Respondent. Respondent returned only one telephone call, that made on February 15, 2013.

13. In early March 2013, Respondent filed the adoption petition and served the birth father in late March 2013.

14. On May 3, 2013, Respondent mailed Ms. Thompson copies of various documents that required her review and signature and provided Ms. Thompson a general update of the case.

15. On June 13, 2013, the Oregon Department of Human Services approved Ms. Thompson's adoption. All that remained was to submit the judgment of adoption to the court.

16. Between June 2013 and August 2013, Respondent failed to submit the judgment of adoption to the court.

17. On August 22, 2013, more than two months after the Oregon Department of Human Services approved the adoption, Respondent submitted a judgment of adoption to the court. Also, on August 22, 2013, Respondent sent a letter to Ms. Thompson indicating that the Oregon Department of Human Services recommended that the adoption be granted and that Respondent had filed the necessary paperwork for finalization of the adoption.

18. In early October 2013, the adoption was finalized.

19. On October 9, 2013, Respondent sent a letter to Ms. Thompson indicating that the adoption had been finalized and requesting that Ms. Thompson pick up documents from Respondent's office.

CONCLUSION OF LAW:

20. As a matter of law, Respondent's culpability of professional misconduct determined in the proceeding in Oregon warrants the imposition of discipline under the laws and rules binding upon Respondent in the State of California at the time Respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a). The misconduct, had it occurred in California, would have violated Rules of Professional Conduct, rule 3-

110(A) (failure to perform) and Business and Professions Code section 6068(m) (failure to respond to client inquiries).

AGGRAVATING CIRCUMSTANCES.

Harm (Standard 1.5(j)): Ms. Thompson suffered anxiety and frustration as a result of Respondent's delay in advancing the adoption and failing to respond to Ms. Thompson's inquiries. Further, Ms. Thompson lost approximately five months of increased benefits per child per month due to Respondent's delay in filing the adoption petition and adoption judgment.

MITIGATING CIRCUMSTANCES.

No Prior Record of Discipline: Respondent had practiced law in California since 1997 without a prior record of discipline when the misconduct occurred in Oregon. Respondent is entitled to significant mitigation for more than 15 years of discipline-free practice. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49 [17 years of practice without discipline deemed a "significant" mitigating factor].)

Prefiling Stipulation: Respondent has entered into a full stipulation. Respondent is entitled to mitigation for cooperating with the Office of Chief Trial Counsel prior to trial, thereby saving the State Bar Court time and resources, and acknowledging and accepting responsibility for her misconduct. (*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].) Weight should be tempered given that findings in other jurisdictions are conclusive evidence of culpability here.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See Std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the

member's willingness and ability to conform to ethical responsibilities in the future. (Std. 1.7(b) and (c).)

Had the misconduct occurred in California, it would have violated Rules of Professional Conduct, rule 3-110(A) (failure to perform) and Business and Professions Code section 6068(m) (failure to respond to client inquiries). Standard 2.7(c) applies to Respondent's performance or communication violations which were limited in scope and time and provides for suspension or reproof. The level of discipline depends on the extent of misconduct and the degree of harm to the clients or clients.

In the current matter, Respondent stipulated that she failed to perform and communicate in one client matter. Although Ms. Thompson was unable to secure government benefits for her grandson due to Respondent's lack of diligence, Respondent eventually accomplished her client's objective. In mitigation, respondent has 15 years of discipline-free practice in California prior to the misconduct. Balancing the misconduct with the mitigating and aggravating circumstances, a discipline on the lower end of the spectrum is appropriate. A public reproof with conditions best serves the purposes of professional discipline as stated in Standard 1.1.

The recommended level of discipline is supported by case law. In *Matthew v. State Bar* (1989) 49 Cal.3d 784, the attorney failed to perform services, failed to communicate, and refused to return unearned fees in three client matters. In aggravation, the Supreme Court found harm and indifference. In mitigation, the Supreme Court did not assign much weight to the attorney's lack of prior discipline because he was only in practice a brief time. The Supreme Court imposed a sixty-day actual suspension.

The current matter only involves one client matter, does not involve client funds, and is, overall, less serious than the *Matthew* matter. Respondent was slow in responding to Ms. Thompson's inquiries and in moving the case forward. Nonetheless, Respondent performed the work necessary to achieve the ultimate purpose of her employment. Therefore, the appropriate level of discipline for respondent's misconduct should be less than that imposed in *Matthew*.

Given Respondent's lack of a prior record of discipline in California and the limited scope of Respondent's performance and communications violations, a public reproof is appropriate to achieve the goals of discipline. The reproof is conditioned on Respondent's compliance with probation in Oregon and quarterly reports verifying her compliance with probation in Oregon.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 26, 2016, the prosecution costs in this matter are \$3,139.00. 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 Ethics School ordered as a condition of discipline. (Rules of Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of:
PETERSON, RAYLYNNA J.

Case Number(s):
16-J-13993

REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☐ All court dates in the Hearing Department are vacated.

See attached modifications to stipulation.

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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Dec. 5, 2016
Date

Cynthia Valenzuela
CYNTHIA VALENZUELA
Judge of the State Bar Court

In the Matter of:
RAYLYNNA J. PETERSON

Case Number(s):
16-J-13993

MODIFICATIONS TO STIPULATION

1. On page 2 of the stipulation, in paragraph A(8), the "X" in the first box is DELETED.
2. On pages 8 and 9 of the stipulation, in paragraph number 20, the second sentence is DELETED, and the following text is INSERTED in its place.

In an expedited proceeding under California Business and Professions Code section 6049.1, the respondent's culpability of professional misconduct in this state is conclusively established by the culpability determinations that are set forth in "a final order made by any court of record ... of any state ... of the United States" and not by the facts in record from the sister state proceeding. California does not have a rule or statute that is substantially identical to either rule 1.3 or rule 1.4(b) of the Oregon Rules of Professional Conduct. Accordingly, respondent's culpability for violating Oregon Rules of Professional Conduct, rule 1.3 (neglecting an entrusted legal matter) does not and cannot conclusively establish that respondent intentionally, recklessly, or repeatedly failed to perform competently in willful violation of rule 3-110(A) of the California Rules of Professional Conduct. (Cf. *In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 149 [mere neglect of a legal matter, even that amounting to legal malpractice, does not establish a violation of California rule 3-110(A)].) Similarly, Respondent's culpability for violating Oregon Rules of Professional Conduct, rule 1.4(b) (failing to explain a legal matter sufficient for the client to make an informed decision) does not and cannot conclusively establish that respondent failed "[t]o respond promptly to reasonable status inquires of clients" in willful violation of California Business and Professions Code section 6068, subdivision (m).

Nonetheless, respondent's stipulated culpability for violating Oregon Rules of Professional Conduct, rule 1.3 (neglecting an entrusted legal matter) and respondent's stipulated culpability for violating Oregon Rules of Professional Conduct, rule 1.4(b) (failing to explain that a legal matter sufficient for the client to make an informed decision), which were approved by the Oregon State Disciplinary Board on October 15, 2015, *collectively* establish respondent's culpability for violating California Rules of Professional Conduct, rule 3-110(A) (i.e., repeatedly failing to perform legal services with competence). (Cal. Bus. & Prof. Code, § 6049.1, subds. (a) & (b)(2); *Calvert v. State Bar* (1991) 54 Cal.3d 765, 782 ["Adequate communication with clients is an integral part of competent professional performance as an attorney."].)

3. On page 9 of the stipulation, in the first full paragraph, which begins "Harm (Standard 1.5(j))," the first sentence is DELETED, and the second sentence is MODIFIED to delete the introductory word "Further," so that the sentence begins "Ms. Thompson."

(See *Calvert v. State Bar*, *supra*, 54 Cal.3d at pp. 784-785 [client's anxiety or frustration establishes significant-client-harm aggravation only if the client suffered legally cognizable emotional harm (e.g., harm requiring therapy or counseling or causing unusual symptoms of stress)].)

4. On page 9 of the stipulation, in the third full paragraph, which begins "Prefilling Stipulation," the word "culpability" is INSERTED before the word "findings" in the last sentence.
5. On page 10 of the stipulation, in the first full paragraph, which begins "Had the misconduct," the first sentence is DELETED.
6. On page 10 of the stipulation, the following sentence is inserted at the end of the last paragraph:

Likewise, respondent may not claim or receive any MCLE credit in California for completing 6 hours of MCLE classes in lieu of completing California's Ethics School. And respondent may not claim or receive any MCLE credit in California for complying with her Oregon probation conditions requiring that she complete 15 MCLE sessions and attend Oregon's Ethics School.

Finally, the court orders that costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that those costs are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Raylynn Jean Peterson must pay one-third of the costs with her membership fees for each of the years 2018, 2019, and 2020. If she 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.

-X-X-X

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on December 5, 2016, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

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

**RAYLYNNA J. PETERSON
PETERSON LAW GROUP
2725 N KERBY AVE STE A
PORTLAND, OR 97227 - 1609**

- ☒ 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 Los Angeles, California, on December 5, 2016.



Paul Barona
Case Administrator
State Bar Court