

(Do not write above this line.)

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

Counsel For The State Bar

Melissa G. Murphy
Deputy Trial Counsel
State Bar of California
180 Howard Street
San Francisco, CA 94105
Tel: (415) 538-2527

Bar # 304445

Case Number(s):
17-O-06391

For Court use only

PUBLIC MATTER

FILED

JAN 12 2018

STATE BAR COURT CLERK'S OFFICE
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In Pro Per Respondent

Julia Patricia Gibbs
1026 Florin Rd
PMB 111
Sacramento, CA 95831
Tel: (916) 646-2800

Bar # 102072

Submitted to: **Settlement Judge**

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

DISBARMENT

☐ PREVIOUS STIPULATION REJECTED

In the Matter of:
JULIA PATRICIA GIBBS

Bar # 102072

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 **December 1, 1981**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) pages, not including the order.

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

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

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case **15-O-12312 (\$232545). See Exhibit 1.**
- (b) ☒ Date prior discipline effective **June 17, 2016**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-110(A) [failing to perform] and rule 3-700(D)(2) [failing to refund unearned fees]; Business and Professions Code sections 6068(m) [failing to communicate], 6068(i) [failing to cooperate in State Bar investigation].**
- (d) ☒ Degree of prior discipline **Six-month actual suspension**
- (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:
See page 7.
- (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.

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- (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.
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Lack of Candor/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. See page 7.
- (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 investigations 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.
- (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:

Prefiling Stipulation. See page 8.

D. Discipline: Disbarment.

E. Additional Requirements:

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

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JULIA PATRICIA GIBBS

CASE NUMBER: 17-O-06391

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. 17-O-06391 (State Bar Investigation)

FACTS:

1. On December 14, 2015, respondent entered into a Stipulation re: Facts, Conclusions of Law, and Disposition ("Stipulation") with the State Bar of California in Case No. 15-O-12312.
2. In the Stipulation, respondent agreed to the following terms and conditions of probation:
 - a. Submit written quarterly reports to the Office of Probation on January 10, April 10, July 10 and October 10 during her two year period of probation;
 - b. Submit satisfactory proof of attendance of Ethics School and passage of the test given at the end of the session within one year of the effective date of discipline.
3. On December 21, 2015, the Hearing Department of the State Bar Court filed an Order Approving the Stipulation as modified, recommending to the California Supreme Court the discipline set forth in the Stipulation.
4. On May 18, 2016, the California Supreme Court filed Order No. S232545 (State Bar Case No. 15-O-12312) ("Discipline Order") which ordered that respondent be suspended from the practice of law for two years, execution of that period of suspension be stayed, and that respondent be placed on probation for two years subject to the following conditions:
 - a. Respondent be actually suspended for the first 6 months of probation;
 - b. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 21, 2015.
5. The Discipline Order became effective on June 17, 2016.
6. On June 6, 2016, the Office of Probation sent respondent a letter outlining all the terms of her probation. The letter specifically reminded respondent of her obligation to file quarterly reports during the term of her probation. The letter also specifically reminded respondent of her obligation to attend Ethics School by June 17, 2017. Attached to the letter were the Discipline Order, a copy of the Office of Probation quarterly report form, a copy of the State Bar of California 2016 Ethics School Schedule, a copy of the State Bar of California Ethics School

Information and a copy of the State Bar of California Ethics School Application Enrollment Form. Respondent received the letter and the supporting documents.

7. On July 8, 2016, respondent called the Office of Probation to schedule an initial meeting, which was held by telephone on July 18, 2016. During the meeting, the probation deputy and respondent discussed the conditions of respondent's probation as well as her reporting schedule and requirements. The probation deputy advised respondent that if she was not able to meet any conditions by the required deadline, that respondent should consider filing a motion with the State Bar Court prior to the deadline and that a copy of the motion should be served on the Office of Probation. Further, the probation deputy advised respondent that if respondent's probation conditions were not met by the deadlines, the Office of Probation would make a non-compliance referral which could result in additional discipline and attendant costs. After the telephonic meeting, the probation deputy summarized the content of the meeting in a Probation Meeting Record and sent respondent a copy, which she received.
8. Respondent failed to provide satisfactory proof of attendance of Ethics School and passage of the test given at the end of the session by June 17, 2017, as required by the terms of probation.
9. Respondent failed to file a quarterly report by the due date of October 10, 2017, as required by the terms of her probation.

CONCLUSIONS OF LAW:

10. By failing to provide proof of attendance at Ethics School by June 17, 2017, and by failing to file her quarterly report by the due date of October 10, 2017, respondent failed to comply with her disciplinary probation in willful violation of section 6068(k) of the Business and Professions Code.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has two prior records of discipline.

In Case No. 15-O-12312 (S232545), the Supreme Court imposed a six-month actual suspension, effective June 17, 2016. Respondent stipulated to violating rule 3-110(A) by failing to properly prepare or file a bankruptcy petition, rule 3-700(D)(2) by failing to refund \$3,000 in unearned fees, section 6068(m) by failing to communicate with her client and section 6068(i) for failing to cooperate in the State Bar investigation.

In Case Nos. 09-O-16661; 10-O-03754 (S192316) the Supreme Court imposed a one-year stayed suspension, effective July 27, 2011. Respondent stipulated to violations of rule 3-110(A) by failing to perform in two separate client matters, rule 3-700(D)(2) by failing to refund unearned fees in two client matters, section 6068(m) by failing to communicate in two separate client matters and section 6068(i) for failing to cooperate in the State Bar investigation in one matter.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent failed to comply with two separate conditions of her disciplinary probation.

MITIGATING CIRCUMSTANCES.

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant 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 Spait* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Here, respondent failed to comply with two conditions of her disciplinary probation. Standard 2.14 applies and provides: “Actual suspension in the presumed sanction for failing to comply with a condition of discipline. The degree of the sanction depends on the nature of the condition violated and the member's willingness or inability to comply with disciplinary orders.”

Standard 1.8(b) also applies based on respondent's two prior records of discipline. Standard 1.8(b) provides: “If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct: 1. Actual suspension was ordered in any one of the prior disciplinary matters; 2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or 3. The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or

Respondent's misconduct is serious and aggravated by her two prior records of discipline, one of which was for similar misconduct. In addition to her prior discipline, respondent's misconduct is aggravated by multiple acts of misconduct. Respondent is entitled to mitigation for entering into a prefiling settlement.

There is no reason to deviate from the disbarment sanction recommended by standard 1.8(b) since the most compelling mitigating circumstances do not predominate and the instant misconduct did not occur during the same time period as the prior misconduct. Respondent meets two of the factors addressed in standard 1.8(b) supporting disbarment. First, actual suspension was ordered in one of respondent's prior disciplines. Second, respondent's long disciplinary history, which included failing to comply with disciplinary probation conditions, demonstrate that she is unable or unwilling to conform her conduct.

In light of the serious and repetitive nature of respondent's misconduct, and her inability or unwillingness to conform her conduct, disbarment is necessary to protect the public and will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of December 22, 2017, the discipline costs in this matter are \$3,215.00. 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.



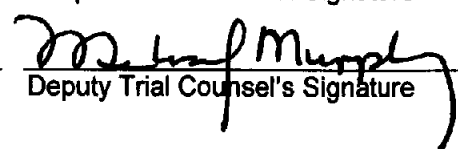
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In the Matter of:
JULIA PATRICIA GIBBS

Case number(s):
17-O-06391

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>12/26/17</u> Date	<u></u> Respondent's Signature	<u>Julia Patricia Gibbs</u> Print Name
<u> </u> Date	<u></u> Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>12/28/17</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Melissa G. Murphy</u> Print Name

(Do not write above this line.)

In the Matter of: JULIE PATRICIA GIBBS	Case Number(s): 17-O-06391
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DISBARMENT ORDER

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

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

1. On page 8 of the stipulation, in the final paragraph at the end of line seven, the following language is inserted: "inability to conform to ethical responsibilities."

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

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

Date

Jan 12, 2018


LUCY ARMENDARIZ
Judge of the State Bar Court

(State Bar Court No. 15-O-12312)

S232545

IN THE SUPREME COURT OF CALIFORNIA

En Banc

**SUPREME COURT
FILED**

MAY 18 2016

In re JULIA PATRICIA GIBBS on Discipline

Frank A. McGuire Clerk

Deputy

The court orders that Julia Patricia Gibbs, State Bar Number 102072, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. Julia Patricia Gibbs is suspended from the practice of law for the first six months of probation;
2. Julia Patricia Gibbs must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 21, 2015; and
3. At the expiration of the period of probation, if Julia Patricia Gibbs has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Julia Patricia Gibbs must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Julia Patricia Gibbs must also comply with California Rules of Court, rule 9.20, 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 this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

____ day of MAY 18 2016 20____

Clerk

By: _____

Deputy

EXHIBIT

1

CANTIL-SAKAUYE
Chief Justice

(Do not write above this line.)

State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Esther J. Rogers Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2258 Bar # 148246	Case Number(s): 15-O-12312-LMA	For Court use only PUBLIC MATTER FILED DEC 21 2015 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Julia P. Gibbs Law Offices of Julia P. Gibbs 2443 Fair Oaks Blvd., PMB 500 Sacramento, CA 95825 (916) 646-2800 Bar # 102072	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: JULIA PATRICIA GIBBS Bar # 102072 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 **December 1, 1981**.
- (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."

(Do not write above this line.)

- (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(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case 09-O-16661 [10-O-3754.]
 - (b) ☒ Date prior discipline effective July 27, 2011.
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: See Attachment, p. 8.
 - (d) ☒ Degree of prior discipline One year suspension, stayed, 2 years probation.
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.

(Do not write above this line.)

- (8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (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. See Attachment, p. 8.
- (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 investigations 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.
- (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.

(Do not write above this line.)

- (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 convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pre-filing Stipulation, See Attachment, p. 8.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of two years.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general 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 two 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 six months.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general 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:

(Do not write above this line.)

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 present 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: .
- (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:

(Do not write above this line.)

☐ 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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JULIA PATRICIA GIBBS

CASE NUMBER: 15-O-12312-LMA

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. 15-O-12312 (Danieliel Walker)

FACTS:

1. In June 2009, Daniel and Linda Walker ("the Walkers") hired respondent to represent them in a bankruptcy matter and paid respondent advanced fees of \$3,000.
2. Respondent and Daniel Walker regularly communicated between June 2009 and February 2011. On February 24, 2011, Walker emailed respondent, requesting that respondent confirm respondent still was representing the Walkers, since Daniel Walker had been unable to contact respondent. Respondent received the email, but failed to respond to it.
3. Thereafter, respondent failed to provide any further legal services to the Walkers and failed to file a bankruptcy petition on the Walker's behalf.
4. Between March 2011 and October 2014, Daniel Walker occasionally attempted to contact respondent to determine the status of the bankruptcy matter. Respondent received the messages, but failed to respond to the inquiries.
5. Effective July 27, 2011, in State Bar matters 09-O-16661 and 10-O-3754, respondent received a one-year stayed suspension, and was placed on probation for two years, for failing to perform, failing to communicate, failing to participate in a State Bar investigation, and failing to return unearned fees, in two separate client matters for misconduct that spanned from August 2009 through December 2010. Respondent remained on probation until July 2013.
6. On October 20, 2014, Daniel Walker emailed respondent informing respondent that, although the Walkers had placed the bankruptcy "on the back burner," they now needed to proceed forward with it. Respondent received the email, but failed to respond to it.
7. On December 19, 2014, Daniel Walker sent respondent a certified letter, return receipt requested, terminating respondent and requesting that respondent provide a refund of the \$3,000 the Walkers paid respondent in advanced fees. Respondent received the letter, but failed to respond and failed to refund any funds to the Walkers.

8. On July 16, 2015 and July 31, 2015, a State Bar investigator sent respondent letters requesting that respondent participate in the State Bar investigation by responding to the Walkers' allegations. Respondent received the letters, but failed to respond to them.

9. On December 11, 2015, respondent paid the Walkers \$3,000.

CONCLUSIONS OF LAW:

10. By failing to prepare or file a bankruptcy petition on the Walkers' behalf, respondent intentionally, recklessly and repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A),

11. By failing to refund promptly, upon respondent's termination of employment on or about December 19, 2014, the \$3,000 fee to the Walkers, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

12. By failing to respond promptly to several telephone calls and at least three written reasonable status inquiries made by Daniel Walker, between February 24, 2011 and December 19, 2014, respondent willfully violated Business and Professions Code, section 6068(m).

13. By failing to provide a substantive response to the State Bar's letters of July 16, 2015 and July 31, 2015, respondent willfully violated Business and Professions Code, section 6068(i).

14. By failing to comply with conditions attached to respondent's disciplinary probation in State Bar Case no. 09-O-16661, respondent willfully violated Business and Professions Code, section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Standard 1.5(a): Prior Record of Discipline:

Effective July 27, 2011, in matters 09-O-16661 and 10-O-3754, respondent received a one-year stayed suspension, and was placed on probation for two years, for failing to perform, failing to communicate, failing to participate in a State Bar investigation, and failing to return unearned fees, in two separate client matters for misconduct that spanned from August 2009 through December 2010.

Standard 1.5(b): Multiple Acts. Respondent engaged in five separate acts of misconduct.

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: By entering into a pre-filing, dispositive stipulation, respondent has spared the State Bar time and resources. The stipulation also is evidence of respondent's recognition of her wrongdoing and demonstrates her efforts at rehabilitation. (*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].)

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 high professional standards; and preservation of public confidence in the legal profession. (*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 discipline 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).) Furthermore, the sanction imposed in this matter must be greater than the previously imposed discipline of one year, stayed, and two years' probation. (Std. 1.8(a).)

When an attorney engages in multiple violations, the most severe sanction must be imposed. (Std. 1.7(a).) Here, the most severe sanction applicable to respondent's misconduct is found in Standard 2.14, which calls for an actual suspension for failing to comply with probation conditions.

Here, respondent failed to perform, communicate, refund \$3,000 in unearned fees, participate in the State Bar investigation, and comply with probationary terms. Her failure to perform and communicate in this matter occurred while she was on probation for the same type of misconduct involving two prior clients. Given the significant aggravation, the similarity of the misconduct in this matter to that in respondent's prior discipline, and that respondent engaged in the present misconduct while on probation, a six-month actual suspension is appropriate to protect the public, maintain high standards in the legal profession and preserve the public's confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of December 7, 2015, the prosecution costs in this matter are approximately \$3,100. 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. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: JULIA PATRICIA GIBBS	Case number(s): 15-O-12312-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.

Date	<u>12/14/15</u>	<u><i>Julia P Gibbs</i></u>	<u>JULIA P. GIBBS</u>
		Respondent's Signature	Print Name

Date	<u>12/16/15</u>	<u><i>Esther J Rogers</i></u>	<u>ESTHER J. ROGERS</u>
Date		Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: JULIA PATRICIA GIBBS	Case Number(s): 15-O-12312-LMA
--	--

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.

1. On page 7 of the stipulation, the heading "Case No. 15-O-12312 (Danieliel Walker)" is deleted, and in its place is inserted "Case No. 15-O-12312 (Daniel and Linda Walker)";
2. On page 8 of the stipulation, numbered paragraph 14 is deleted in its entirety, as this conclusion of law is ambiguous and not supported by the stipulated facts;
3. On page 8 of the stipulation, in the section entitled "Standard 1.5(b): Multiple Acts," "Respondent engaged in five separate acts of misconduct" is deleted, and in its place is inserted "Respondent engaged in four separate acts of misconduct";
4. On page 9 of the stipulation, beginning in the first sentence of the final paragraph, "participate in the State Bar investigation, and comply with probationary terms" is deleted, and in its place is inserted "participate in the State Bar investigation."

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.)

Oct. 21, 2015
Date


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 December 21, 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 PATRICIA GIBBS
LAW OFFICES OF JULIA P. GIBBS
2443 FAIR OAKS BLVD
PMB 500
SACRAMENTO, CA 95825

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

ESTHER ROGERS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 21, 2015.



Mazie Yip
Case Administrator
State Bar Court

FILED

OCT 15 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 Julia P. Gibbs, Bar No. 102072
2 LAW OFFICES OF JULIA P. GIBBS
3 2443 Fair Oaks Blvd., PMB 500
4 Sacramento, CA 95825
5 Telephone: (916) 646-2800
6 Telecopier: (916) 405-4232
7 email: gibbslegal@gmail.com

8 In Pro Se

9 STATE BAR COURT

10 HEARING DEPARTMENT - SAN FRANCISCO

11 In the Matter of) Case No. 15-0-12312
12)
13 JULIA P. GIBBS)
14 No. 102072) RESPONSE TO NOTICE OF
15) DISCIPLINARY CHARGES
16 A Member of the State Bar)

17 Responding to the Notice of Disciplinary Charges filed
18 herein by the State Bar of California ("State Bar"), Member
19 Julia P. Gibbs ("Gibbs") alleges as follows:

20 1. Gibbs admits the allegations of paragraph 1.

21 2. Responding to the allegations of paragraph 2, Gibbs
22 admits that Daniel and Linda Walker employed Gibbs in June, 2009
23 to perform legal services, namely to prepare and file a chapter
24 7 bankruptcy petition. Gibbs otherwise denies the allegations of
25 paragraph 2.

26 3. Responding to the allegations of paragraph 3, Gibbs
27 admits that Daniel and Linda Walker paid a fee of \$3,000. Gibbs
28 otherwise denies the allegations of paragraph 3.

4. Gibbs admits the allegations of paragraph 4.

1 5. Answering the allegations of paragraph 5, Gibbs
2 admits she failed to respond to the State Bar's letters as
3 alleged. Gibbs alleges that she has been ill, and has been
4 unable to either respond or engage counsel to respond for her.
5 Gibbs no longer practices law, has no clients, has closed her
6 office, all due to illness.
7

8 6. Answering the allegations of paragraph 6, Gibbs has
9 reviewed the Stipulation resolving Case 09-0-16661 and believes
10 that all of its conditions have been met, and that the
11 allegations in this case are unrelated to Case 09-0-16661. Gibbs
12 denies the allegations of paragraph 6.
13

14 WHEREFORE, Gibbs prays the State Bar Court to take no
15 action against her.
16

17
18 DATED: 10/13/2015

LAW OFFICES OF JULIA P. GIBBS


In Pro Se

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PROOF OF SERVICE

I, Julia P.. Gibbs, certify as follows:

I am a citizen of the United States and am over the age of eighteen years, and am a party to the above-entitled cause. I do not have a business address but do receive business mail and deliveries at 2443 Fair Oaks Blvd., PMB 500, Sacramento, CA 95825.

On October 13, 2015, I personally served the following:

Response to Notice of Disciplinary Complaint

On the following address by depositing an envelope with prepaid shipping charges in a Federal Express delivery box

Esther J. Rogers, Esq.
Office of Chief Trial Counsel
180 Howard Street
San Francisco, CA 94105

The Response I served on October 13, 2015 was unsigned. I sent another by the same means to the same address on October 14, 2015, and this one was signed.

Executed at Sacramento, California on October 14, 2015

I declare under penalty of perjury that the foregoing is true and correct.


Julia P.. Gibbs

PUBLIC MATTER

FILED

SEP 17 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
GREGORY P. DRESSER, No. 136532
ASSISTANT CHIEF TRIAL COUNSEL
ROBERT A. HENDERSON, No. 173205
SUPERVISING SENIOR TRIAL COUNSEL
ESTHER J. ROGERS, No. 148246
SENIOR TRIAL COUNSEL
180 Howard Street
San Francisco, California 94105-1639
Telephone: (415) 538-2258

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:

Case No. 15-O-12312

JULIA PATRICIA GIBBS,
No. 102072,

NOTICE OF DISCIPLINARY CHARGES

A Member of the State Bar

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

The State Bar of California alleges:

1 JURISDICTION

2 1. JULIA PATRICIA GIBBS ("respondent") was admitted to the practice of law in the
3 State of California on December 1, 1981, was a member at all times pertinent to these charges,
4 and is currently a member of the State Bar of California.

5 COUNT ONE

6 Case No. 15-O-12312
7 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

8
9 2. In or about June 2009, Daniel Walker employed respondent to perform legal
10 services, namely to handle a bankruptcy, which respondent intentionally, recklessly, or
11 repeatedly failed to perform with competence, in willful violation of Rules of Professional
12 Conduct, rule 3-110(A), by failing to prepare or file a bankruptcy petition on Walker's behalf.

13 COUNT TWO

14 Case No. 15-O-12312
15 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

16 3. In or about June 2009, respondent received advanced fees of \$3,000 from a client,
17 Daniel Walker, to handle a bankruptcy. Respondent failed to prepare or file a bankruptcy
18 petition, or perform any legal services for the client, and therefore earned none of the advanced
19 fees paid. Respondent failed to refund promptly, upon respondent's termination of
20 employment on or about December 19, 2014, any part of the \$3,000 fee to the client, in willful
21 violation of Rules of Professional Conduct, rule 3-700(D)(2).

22 COUNT THREE

23 Case No. 15-O-12312
24 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

25 4. Respondent failed to respond promptly to several telephone calls and at least three
26 written reasonable status inquiries made by respondent's client, Daniel Walker, between
27 February 24, 2011 and December 19, 2014, that respondent received in a matter in which
28

1 respondent had agreed to provide legal services, in willful violation of Business and
2 Professions Code, section 6068(m).

3 COUNT FOUR

4 Case No. 15-O-12312
Business and Professions Code, section 6068(i)
5 [Failure to Cooperate in State Bar Investigation]

6 5. Respondent failed to cooperate and participate in a disciplinary investigation
7 pending against respondent by failing to provide a substantive response to the State Bar's
8 letters of July 16, 2015 and July 31, 2015, which respondent received, that requested
9 respondent's response to the allegations of misconduct being investigated in case no. 15-O-
10 12312, in willful violation of Business and Professions Code, section 6068(i).

11 COUNT FIVE

12 Case No. 15-O-12312
Business and Professions Code, section 6068(k)
13 [Failure to Comply with Conditions of Probation]

14 6. Respondent failed to comply with conditions attached to respondent's disciplinary
15 probation in State Bar Case no. 09-O-16661, in willful violation of Business and Professions
16 Code, section 6068(k), by failing to comply with the provisions of the State Bar Act and Rules
17 of Professional Conduct.

18 NOTICE - INACTIVE ENROLLMENT!

19 YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
20 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
21 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
22 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE
23 PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE
24 MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD
25 BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.
26
27
28

NOTICE - COST ASSESSMENT!

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,
YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY
THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF
THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE
SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATE: September 16, 2015

By:

Esther J. Rogers
ESTHER J. ROGERS
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-O-12312

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- ☒ By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
- In accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.
- ☒ By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
- In accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.
- ☐ By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS).
- ☐ By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.
- ☐ By Electronic Service: (CCP § 1010.6)
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)

☒ (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 9414 7266 9904 2042 4853 52 at San Francisco, addressed to: (see below)

☐ (for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: (see below)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy via regular mail to:
Julia P. Gibbs	Law Offices of Julia P. Gibbs 2443 Fair Oaks Blvd. PMB 500 Sacramento, CA 95825	Electronic Address	

- ☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: September 17, 2015

SIGNED:


Dawn Williams
Declarant



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST November 27, 2017

State Bar Court, State Bar of California,
Los Angeles

By
Clerk

Elizabeth Allen

SUPREME COURT
FILED

JUN 27 2011

(State Bar Court Nos. 09-O-16661(10-O-03754))

Frederick K. Ohlrich Clerk

S192316

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re JULIA PATRICIA GIBBS on Discipline

The court orders that Julia Patricia Gibbs, State Bar Number 102072, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. Julia Patricia Gibbs must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 15, 2011; and
2. At the expiration of the period of probation, if Julia Patricia Gibbs has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Julia Patricia Gibbs must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with membership fees for each of the years 2012 and 2013. If Julia Patricia Gibbs 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.

I, Frederick K. Ohlrich, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office

Witness my hand and the seal of the Court this

day of JUN 27 2011

By: 


Deputy

CANTIL-SAKAUYE

Chief Justice

(Do not write above this line.)

**State Bar Court of California
Hearing Department
San Francisco
STAYED SUSPENSION**

Counsel For The State Bar Susan Chan Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 Bar # 233229	Case Number(s): 09-O-16661 [10-O-3754]	For Court use only PUBLIC MATTER FILED  FEB 15 2011 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Julia P. Gibbs 1329 Howe Ave., Ste. 205 Sacramento, CA 95825 Bar # 102072	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: JULIA P. GIBBS Bar # 102072 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 December 1, 1981.
- (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 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☐ Costs are added to membership fee for calendar year following effective date of discipline.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2012, 2013. (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 [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ Prior record of discipline [see standard 1.2(f)]
 - (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."
- (2) ☐ Dishonesty: Respondent's misconduct was 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.

(Do not write above this line.)

- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Stipulation Attachment.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances

None.

C. Mitigating Circumstances [see standard 1.2(e)]. 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 or person who was the object of the misconduct.
- (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. See Stipulation Attachment.
- (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 in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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 convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

(Do not write above this line.)

Additional mitigating circumstances

None.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of one (1) year.

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 1.4(c)(II), 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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

(1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) ☒ 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.

(3) ☒ 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.

(4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all 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.

(5) ☐ 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.

(Do not write above this line.)

- (6) ☒ 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.
- (7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason:
- (8) ☐ 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.
- (9) ☐ 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) ☒ **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 within one year. 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) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JULIA P. GIBBS

CASE NUMBER(S): 09-O-16661 [10-O-3754]

FACTS AND CONCLUSIONS OF LAW.

Facts: Case No. 10-O-3754 ("Yingling"): Count One:

1. At all times mentioned, Randy Yingling was pursuing a wrongful termination lawsuit against his former employer, SK Foods LP. Yingling was represented by counsel other than respondent in the wrongful termination lawsuit. However, SK Foods LP declared bankruptcy. Yingling employed respondent to handle the bankruptcy aspects of the case.
2. On or about July 15, 2009, Randy Yingling employed respondent to file a bankruptcy claim against SK Foods LP. Yingling paid respondent \$300.00 for this service.
3. On or about August 5, 2009, Yingling employed respondent to (1) file and pursue a motion for relief from the automatic stay resulting from the bankruptcy case, thus allowing the wrongful termination lawsuit to proceed and (2) gather copies of Employment Practices Liability Insurance policies maintained by SK Foods LP. Respondent promised to file the motion within two weeks. On or about August 5, 2009, Yingling paid respondent \$1,500 for these services.
4. Respondent filed the bankruptcy claim on September 9, 2009, but never provided Yingling with a copy.
5. Respondent failed to file motion for relief from the stay and failed to perform any further legal services for Yingling.

Conclusions of Law: Case No. 10-O-3754 ("Yingling"): Count One:

By failing to provide Yingling a copy of the bankruptcy claim and by failing to file the motion for relief from the stay, respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case No. 10-O-3754 ("Yingling"): Count Two:

6. The allegations contained in Count One are hereby incorporated by this reference.
7. Beginning on or about October 6, 2009, Yingling sent several e-mails to respondent requesting a status update on the motion for relief from the stay. Respondent received the e-mails on or about the date they were sent, but did not respond to all of Yingling's e-mails.
8. Between August 11, 2009 and December 7, 2009, Yingling left several telephonic messages for respondent. Respondent received these messages, but did not respond to all of Yingling's telephone messages.

Conclusions of Law: Case No. 10-O-3754 ("Yingling"): Count Two:

By failing to respond to the e-mails and telephone messages, respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services. By failing to send Yingling a copy of the bankruptcy claim she had filed on behalf of Yingling, respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

Facts: Case No. 10-O-3754 ("Yingling"): Count Three:

9. The allegations contained in Counts One and Two are hereby incorporated by this reference.
10. By failing to perform legal services and failing to respond to status inquiries, respondent effectively withdrew from employment.
11. Respondent has never earned any part of the \$1,500.00 attorney fee she received to file the motion for relief from stay.
12. Respondent failed to return any part of the \$1,500.00 fee until on or about December 23, 2010. Respondent made this refund of \$1,500.00 with 18 months interest at 10% per annum to Yingling approximately 16 months from the date she was hired to perform legal services on behalf of Yingling.

Conclusions of Law: Case No. 10-O-3754 ("Yingling"): Count Three:

By failing to refund any part of the \$1,500.00 fee until December 23, 2010, respondent failed to refund any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case No. 10-O-3754 ("Yingling"): Count Four:

13. On or about May 10, 2010 and June 7, 2010, a State Bar investigator mailed letters to respondent, at respondent's official membership records address, requesting (1) a written response to the allegations generally set forth in Counts One and Three of the Notice of Disciplinary Charges and (2) copies of specified documentation pertinent to the investigation. Respondent failed to respond to the letters and failed to otherwise cooperate with and failed to participate in the State Bar investigation.

Conclusions of Law: Case No. 10-O-3754 ("Yingling"): Count Four:

By failing to respond to the letters inquiry, respondent failed to cooperate and participate in a disciplinary investigation pending against her in willful violation of Business and Professions Code section 6068(i).

Facts: Case No. 09-O-16661 ("KIC Retirement Plan"): Count Five:

14. KIC Retirement Plan, by and through Roger Kahn (hereafter referred to as "KIC"), was pursuing a foreclosure proceeding concerning real property held by its debtor, Avila Soriano Development Corporation. However, Avila Soriano Development Corporation declared bankruptcy.
15. On or about July 14, 2009, KIC employed respondent to file and pursue a motion for relief from the automatic stay resulting from the bankruptcy case, thus allowing the foreclosure proceeding to continue. On the same date, KIC paid respondent \$1,500.00 for these services.
16. Thereafter, respondent failed to file motion for relief, made no appearance in the case, and failed to perform any legal services for KIC.
17. On or about August 20, 2009, Kahn sent respondent an e-mail, requesting a status report concerning the representation. Respondent received the e-mail soon after it was sent, but did not respond.

18. On or about September 2, 2009, Kahn sent respondent an e-mail informing respondent that the debtor had filed a motion to convert the bankruptcy case from Chapter 7 to Chapter 11. The e-mail asked whether this would affect the motion for relief from the stay. Respondent received the e-mail soon after it was sent, but did not respond.
19. On or about September 8, 2009, Kahn sent respondent an e-mail, again requesting a status report concerning the representation. Respondent received the e-mail soon after it was sent, but did not respond.

Conclusions of Law: Case No. 09-O-16661 ("KIC Retirement Plan"): Count Five:

By failing to file a motion for relief from the automatic stay in the bankruptcy case, for which she was employed, respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case No. 09-O-16661 ("KIC Retirement Plan"): Count Six:

20. The allegations contained in Count Five are hereby incorporated by this reference.

Conclusions of Law: 09-O-16661 ("KIC Retirement Plan"): Count Six:

By failing to respond to Kahn's e-mails of August 20, September 2, and September 8, 2009, respondent failed to respond promptly to reasonable status inquiries of a client in willful violation of Business and Professions Code section 6068(m).

Facts: Case No. 09-O-16661 ("KIC Retirement Plan"): Count Seven:

21. The allegations contained in Counts Five and Six are hereby incorporated by this reference.
22. By failing to perform legal services and failing to respond to status inquiries, respondent effectively withdrew from employment.
23. On or about September 10, 2009, Kahn sent respondent an e-mail terminating KIC Retirement Plan's employment and demanded a refund of the \$1,500.00 fee. Respondent received the e-mail soon after it was sent, but did not respond.
24. Respondent has never earned any part of the \$1,500.00 attorney fee.

25. Respondent failed to return any part of the \$1,500 fee until on or about November 23, 2009. Respondent made this refund only after receiving a letter of inquiry from the State Bar concerning the matter.

Conclusions of Law: 09-O-16661 ("KIC Retirement Plan"): Count Seven:

By failing to refund any part of the \$1,500 fee until November 23, 2009, respondent failed to promptly refund any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case No. 09-O-16661 ("KIC Retirement Plan"): Count Eight:

The parties request a dismissal of Count Eight. (See Dismissals, pg. 11).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was January 21, 2011.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
09-O-16661	Eight	Business and Profession Code section 6068(i)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 21, 2011, the estimated prosecution costs in this matter are approximately \$2,831.38. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. 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.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.4(b) specifies culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension

depending on the extent of the misconduct and the degree of harm to the client.

Standard 2.6(a) specifies culpability of a member of a violation of sections 6067 and 6068 of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

Lydon v. State Bar (1988) 45 Cal.3d 1181, "willfulness does not require actual knowledge of the provision violated."

In the Matter of Taggart (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 309, "Thus, the term willful does not require a showing that respondent intended the consequences of his acts or omissions, it simply requires proof that he intended the act or omission itself."

In the Matter of Nees (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 459 (respondent received two years stayed suspension, two years probation conditioned on six months actual suspension and until restitution completed, compliance with rule 955 of the California Rules of Court, Multistate Professional Responsibility Examination, and other probation conditions for misconduct involving one client matter: failure to perform legal services [rule 3-110(A)]; failure to respond to client's status inquiries [section 6068(m)]; failure to refund \$7,000 in advanced legal fees [rule 3-700(D)(2)]; failure to cooperate [section 6068(i)]; failure to return client papers [rule 3-700(D)(1)]).

In the Matter of Sullivan, II (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 608 (respondent received one year suspension stayed, three years probation including 60 days actual suspension, Multistate Professional Responsibility Examination, and other probation conditions for misconduct involving four client matters: failure to perform legal services, failure to respond to client inquiries and to keep clients informed of significant development in their cases).

Colangelo v. State Bar of California (1991) 53 Cal.3d 1255 (respondent received one year stayed suspension, eighteen months probation to include Multistate Professional Responsibility Examination, and other probation conditions for misconduct involving four client matters: failure to perform legal services, failure to keep clients informed of significant development in their cases, failure to return unearned fees).

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Pursuant to 1.2(b)(ii): Respondent's misconduct in two separate client matters evidences multiple acts of wrongdoing for failure to perform legal services, failure to promptly return

unearned fees, failure to respond to client inquiries, and failure to cooperate with the State Bar investigation in case no. 10-O-3754.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Standard 1.2(e)(i): Respondent has been admitted to the practice of law since 1981 without a prior record of discipline.

Standard 1.2(e)(v): Respondent has cooperated with the State Bar since the Notice of Disciplinary Charges was filed.

Standard 1.2(e)(vii): Respondent took objective steps to atone for any consequences of her misconduct by repaying unearned fees plus 18 months interest at 10% annum owed to former client Randy Yingling and by repaying unearned fees to KIC Retirement four and one-half months after receipt of those fees.

STATE BAR ETHICS SCHOOL.



Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of: JULIA P. GIBBS	Case number(s): 09-O-16661 [10-O-3754]
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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>1-24-2011</u> Date	<u></u> Respondent's Signature	<u>Julia P. Gibbs</u> Print Name
<u>1/25/2011</u> Date	<u></u> Respondent's Counsel Signature	<u>Susan Chan</u> Print Name
	<u></u> Deputy Trial Counsel's Signature	<u></u> Print Name

(Do not write above this line.)

In the Matter of:
JULIA P. GIBBS

Case Number(s):
09-O-16661 [10-O-3754]

STAYED 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

2/15/2011


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 February 15, 2011, 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 PATRICIA GIBBS
1329 HOWE AVE STE 205
SACRAMENTO, CA 95825

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

SUSAN CHAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 15, 2011.


Lauretta Cramer
Case Administrator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST November 27, 2017

State Bar Court, State Bar of California,
Los Angeles

By _____
Clerk

Elizabeth Allen

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 January 12, 2018, 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:

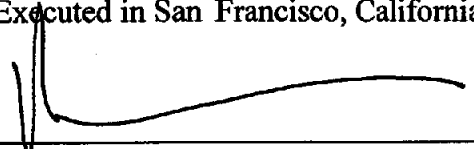
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JULIA PATRICIA GIBBS
1026 FLORIN RD
PMB 111
SACRAMENTO, CA 95831

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

Melissa G. Murphy, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 12, 2018.



Vincent Au
Case Administrator
State Bar Court