

FILED

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**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)
JANNETTE I. RAMOS,)
A Member of the State Bar, No. 200334.)
_____)
Case No. 17-Q-06325
RECOMMENDATION ON
RESIGNATION

On October 23, 2017, respondent Jannette I. Ramos filed a resignation with charges pending. On December 28, 2017, the Office of Chief Trial Counsel of the State Bar (OCTC) filed its report on the resignation and the parties' Stipulation as to Facts and Conclusions of Law. On February 16, 2018, pursuant to this court's order, OCTC filed a supplemental report that provided additional specific analysis regarding the resignation. In both reports, OCTC recommended that the resignation be rejected. We recommend that the Supreme Court reject the resignation based on OCTC's recommendation and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below.

I. BACKGROUND

Respondent was admitted to practice law in California on January 27, 1999, and has not been eligible to practice law in California since October 23, 2017.

Respondent has one prior record of discipline. In 2003, the State Bar Court imposed a private reproof. Respondent stipulated to culpability for violations of rules 4-200 (illegal or



¹ All further references to rules are to this source unless otherwise noted.

unconscionable fee), 3-110(A) (failure to perform competently), and 3-700(D) (failure to promptly refund fees) of the Rules of Professional Conduct.

At the time respondent filed her resignation on October 23, 2017, there was one disciplinary case pending against her. On July 14, 2017, OCTC filed a notice of disciplinary charges (NDC) in State Bar Court case number 16-O-11939, charging respondent with:

- (1) dishonestly or grossly or negligently misappropriating \$2,412.75 in violation of Business and Professions Code section 6106;
- (2) failing to maintain a balance of \$2,412.75 in her client trust fund account (CTA) in violation of rule 4-100(A) of the Rules of Professional Conduct;
- (3) commingling \$16,100 of personal funds in her CTA in violation of rule 4-100(A) of the Rules of Professional Conduct;
- (4) issuing \$310 in payments for personal purposes from her CTA in violation of rule 4-100(A) of the Rules of Professional Conduct;
- (5) making an intentional or grossly negligent misrepresentation to a State Bar investigator regarding the funds in her CTA in violation of Business and Professions Code section 6106; and
- (6) making an intentional or grossly negligent misrepresentation to a Medi-Cal representative about the status of funds due to Medi-Cal in violation of Business and Professions Code section 6106.

On December 28, 2017, respondent and OCTC entered into and filed a Stipulation as to Facts, Conclusions of Law in which respondent stipulated to culpability on each count of the NDC, including dishonestly misappropriating \$2,412.75 in Count One. Aggravation included respondent's prior record of discipline, multiple acts of wrongdoing, and significant harm to the client, the public, or the administration of justice because Ramos did not pay funds owed to the Department of Health Care Services for three years and finally did so only after a State Bar complaint was filed.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered respondent's resignation under the grounds set forth in rule 9.21(d).

We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that there is no need for the perpetuation of evidence.

2. Whether after transfer to inactive status, respondent has practiced law or has advertised or held herself out as entitled to practice law.

OCTC reports it has no evidence that respondent has practiced law in California or held herself out as entitled to practice law in California since she filed her resignation.

3. Whether respondent performed the acts specified in rule 9.20(a)-(b).

OCTC reports that respondent has not submitted a rule 9.20 compliance declaration or performed the acts specified by rule 9.20 (a) and (b).

4. Whether respondent provided proof of compliance with rule 9.20(c).

OCTC reports that respondent has not provided proof of compliance with rule 9.20(c).

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision or opinion recommending disbarment.

The State Bar Court has not filed a decision or opinion recommending disbarment.

7. Whether respondent has previously resigned or has been disbarred and reinstated to the practice of law.

Respondent has not previously resigned or been disbarred and reinstated.

8. Whether respondent entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

As noted above, OCTC reports that, on December 28, 2017, respondent and OCTC entered into a Stipulation as to Facts, Conclusions of Law, stipulating to respondent's misconduct in State Bar Court case number 16-O-11939.

9. Whether accepting respondent's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

Acceptance of respondent's resignation would be inconsistent with the need to protect the public, the courts, and the legal profession. Respondent stipulated to serious misconduct including that she intentionally misappropriated \$2,412.75 from the Department of Health Care Services, and made misrepresentations to the Department of Health Care Services and to the State Bar, all acts constituting moral turpitude. In this matter, respondent repeatedly lied to the Department of Health Care Services and to the State Bar. Allowing respondent to resign with these serious charges pending and without discipline being imposed would be inconsistent with the need to protect the public. Under these circumstances, we find that respondent should not be allowed the benefit of resigning because it would undermine public confidence in the disciplinary system and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court decline to accept the resignation of Jannette I. Ramos, State Bar number 200334.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 16, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED APRIL 16, 2018

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

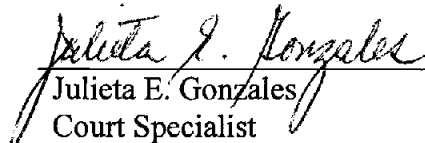
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JANNETTE I. RAMOS
LAW OFC JANNETTE RAMOS
PO BOX 310
FRENCH CAMP, CA 95231 - 0310

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

Maria J. Oropeza, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 16, 2018.



Julieta E. Gonzales
Court Specialist
State Bar Court