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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  <b>Ann J. Kim</b> Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1230  Bar # <b>259222</b>	Case Number(s): <b>14-O-01009-YDR</b>	For Court use only  <div style="text-align: center;"> <b>FILED</b>   <b>OCT 30 2015</b> <i>AC</i>                       STATE BAR COURT                      CLERK'S OFFICE                      LOS ANGELES                 </div>
In Pro Per Respondent  <b>Denise Ileene Damrow</b> P.O. Box 92483 Long Beach, CA 90809 (562) 597-0660  Bar # <b>100538</b>	<div style="font-size: 2em; font-weight: bold; margin: 0;">PUBLIC MATTER</div>	
In the Matter of: <b>DENISE ILEENE DAMROW</b>  Bar # <b>100538</b>  A Member of the State Bar of California (Respondent)	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **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 **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **Three billing cycles immediately following the effective date of the Supreme Court order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

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

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **11-O-11801. (See stipulation, at page 9.)**
  - (b)  Date prior discipline effective **June 21, 2012**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 3-110(A), 4-100(B), and 3-700(D)(2).**
  - (d)  Degree of prior discipline **One-year suspension, stayed; two-year probation subject to conditions.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **(See stipulation, at pages 9-10.)**
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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

**Additional mitigating circumstances:**

**Pretrial Stipulation: see stipulation, at page 10.**  
**Good Character: see stipulation, at page 10.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be 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)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **sixty (60) days**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (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: **Respondent completed Ethics School on July 10, 2013, as a result of the discipline imposed on June 21, 2012, in case number 11-O-11081.**
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **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**

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**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: Respondent passed the MPRE on May 6, 2014, as a result of the discipline imposed on June 21, 2012, in case number 11-O-11081.**

- (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:                   DENISE ILEENE DAMROW

CASE NUMBERS:                   14-O-01009

**FACTS AND CONCLUSIONS OF LAW.**

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

Case No. 14-O-01009 (State Bar Investigation)

**FACTS:**

1. On May 22, 2012, the California Supreme Court filed an Order in Case No. S199675 (State Bar Court Case No. 11-O-11801), which became effective on June 21, 2012, consisting of the following discipline for Respondent: a one (1) year stayed suspension and a two (2) year probation subject to the conditions recommended by the Hearing Department of the State Bar Court in the Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving dated December 12, 2011.

2. The Supreme Court Order required Respondent to comply with the following terms and probation conditions, among others: 1) to submit to the State Bar's Office of Probation ("Office of Probation") written quarterly reports each January 10, April 10, July 10 and October 10 of the two-year probationary period, certifying under penalty of perjury whether she has complied with all provisions of the State Bar Act and the Rules of Professional Conduct and all probationary conditions during the preceding calendar quarter or part thereof covered by the report; and 2) to take and pass the Multistate Professional Responsibility Exam ("MPRE") within one year after the effective date of the Supreme Court Order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period.

3. On May 22, 2012, the clerk of the Supreme Court served a copy of this order on Respondent at her State Bar membership records address. Respondent received the Supreme Court Order.

4. On June 20, 2012, the Office of Probation sent a courtesy letter reminding Respondent of the probation conditions, as well as the requirement that Respondent must take and provide proof of successful passage of the MPRE to the Office of Probation on or before June 21, 2013. The letter warned that failure to provide proof of passage of the MPRE by the due date may result in Respondent's indefinite suspension. Respondent received the letter from the Office of Probation dated June 20, 2012.

5. On July 24, 2012, Michael Kanterakis, a probation deputy from the Office of Probation, held the required initial meeting with Respondent by phone regarding compliance with her probationary conditions and the MPRE requirement.

6. Respondent failed to submit proof of passage of the MPRE to the Office of Probation by June 21, 2013 as required by the May 22, 2012 Supreme Court Order.

7. On June 26, 2013, Kanterakis spoke with Respondent regarding her failure to submit proof of passage of the MPRE by June 21, 2013.

8. On August 9, 2013, the Review Department of the State Bar Court of California filed an Order ("Review Department Order") in Case No. 11-O-11081 suspending Respondent from the practice of law effective September 3, 2013, pending proof of passage of the MPRE. On August 9, 2013, the case administrator of the State Bar Court served a copy of the Review Department Order on respondent at her membership records address and sent a courtesy copy of the Review Department Order to respondent at 2960 East 20<sup>th</sup> Street, Signal Hill, CA 90755. Respondent received the Review Department Order.

9. Effective September 3, 2013, Respondent was suspended from the practice of law and not entitled to practice law.

10. On October 25, 2013, Respondent made an appearance at an Order to Show Cause ("OSC") as the attorney for petitioner Ana Maria Gonzalez in the case entitled *In the Matter of Lucas Gonzalez, Decedent*, Los Angeles County Superior Court case number BP074452. Respondent appeared on behalf of Ms. Gonzalez, who was not present. At the OSC, Respondent held herself out to the court as entitled to practice law. Respondent did not notify the court of her suspension at any time during the proceeding.

11. On January 10, 2014, Respondent submitted her quarterly report due January 10, 2014 to the Office of Probation. In the report, Respondent stated under penalty of perjury that she had complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation during the reporting period of October 1, 2013 to December 31, 2013 except taking and passing the MPRE and paying restitution. When Respondent signed and submitted her quarterly report, she knew that it was false in that she knew that during the relevant period, she made an appearance as the attorney for petitioner in *In the Matter of Lucas Gonzalez, Decedent*, Los Angeles County Superior Court case number BP074452, on October 25, 2013 and held herself out as entitled to practice law and actually practiced law while suspended, in violation of Business and Professions Code sections 6068(a), 6125 and 6126.

12. On April 10, 2014, Respondent made an appearance at an OSC as the attorney for petitioner Ana Maria Gonzalez in the case entitled *In the Matter of Lucas Gonzalez, Decedent*, Los Angeles County Superior Court case number BP074452. Respondent appeared via CourtCall on behalf of Ms. Gonzalez, who was not present. At the OSC, Respondent held herself out to the court as entitled to practice law. Respondent did not notify the court of her suspension until John Gonzalez informed the court of Respondent's suspension. The court continued the matter to May 7, 2014 for status on Respondent's suspension.

13. On May 6, 2014, Respondent submitted proof of passage of the MPRE to the Office of Probation.

14. On May 7, 2014, Respondent personally appeared in the case entitled *In the Matter of Lucas Gonzalez, Decedent*, Los Angeles County Superior Court case number BP074452, to address her suspended status. Respondent informed the court that she submitted proof of passage of the MPRE to the Office of Probation.



15. On May 14, 2014, the Review Department filed an Order in case number 11-O-11081 terminating Respondent's suspension imposed by the Order filed August 9, 2013.

16. On June 23, 2014, Respondent submitted her final report due June 21, 2014 to the Office of Probation. In the report, Respondent stated under penalty of perjury that she complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation during the reporting period of April 1, 2014 to June 21, 2014. When Respondent signed and submitted the final report, she knew that it was false in that she knew that during the relevant period, she made an appearance via CourtCall as the attorney for petitioner in *In the Matter of Lucas Gonzalez, Decedent*, Los Angeles County Superior Court case number BP074452, on April 10, 2014 and held herself out as entitled to practice law while suspended, in violation of Business and Professions Code sections 6068(a), 6125 and 6126.

#### CONCLUSIONS OF LAW:

17. By appearing in court on behalf of and representing Ms. Gonzalez in the matter entitled *In the Matter of Lucas Gonzalez, Decedent*, Los Angeles County Superior Court, case number BP074452, on or about October 25, 2013 and April 10, 2014, Respondent held herself out as entitled to practice law and actually practiced law when respondent was not an active member of the State Bar in violation of Business and Professions Code sections 6125 and 6126, and thereby willfully violated Business and Professions Code section 6068(a).

18. By appearing in court on behalf of and representing Ms. Gonzalez in the matter entitled *In the Matter of Lucas Gonzalez, Decedent*, Los Angeles County Superior Court, case number BP074452, on or about October 25, 2013 and April 10, 2014, Respondent held herself out as entitled to practice law when respondent knew, or was grossly negligent in not knowing, that respondent was not an active member of the State Bar, in willful violation of Business and Professions Code section 6106.

19. By submitting reports to the Office of Probation on or about January 10, 2014 and June 23, 2014, where respondent stated in writing under penalty of perjury that she complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation during the period covered by the reports, when Respondent knew or was grossly negligent in not knowing the statements were false, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has one prior record of discipline consisting of a one (1) year stayed suspension and a two (2) year probation subject to the conditions. In the prior matter, Respondent violated Rules of Professional Conduct, rules 3-110(A), 4-100(B)(3) and 3-700(D)(2). Respondent failed to file two civil actions on her client's behalf, failed to provide an accounting to her client after termination, and failed to refund promptly any part of the attorney's fees paid that had not been earned. In mitigation, respondent had no discipline record in nearly 30 years of practice, cooperated with the bar's investigation and agreed to refund more than the client paid her. No factors in aggravation were found.

**Multiple Acts of Misconduct (Std. 1.5(b)):** From October 25, 2013 to June 23, 2014, respondent committed multiple acts of misconduct. On October 25, 2013 and April 10, 2014, respondent engaged in the unauthorized practice of law when she held herself out as entitled to practice

law even though she was not an active member of the State Bar. Also on October 25, 2013 and April 10, 2014, respondent committed an act involving moral turpitude when she held herself out as entitled to practice law even though she knew or was grossly negligent in not knowing that she was not an active member of the State Bar. Finally, on January 10, 2014 and June 23, 2014, respondent committed an act involving moral turpitude when she made misrepresentations to the Office of Probation in her quarterly reports. Respondent stated under penalty of perjury that she had complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation during the requisite reporting periods. Respondent did not state that she appeared in court on October 25, 2013 and held herself out as entitled to practice law while suspended or that she appeared on April 10, 2014 via CourtCall and held herself out as entitled to practice law while suspended until Mr. Gonzalez brought respondent's suspension to the court's attention.

#### **MITIGATING CIRCUMSTANCES.**

**Pretrial Stipulation:** Respondent should receive mitigative credit in her cooperation and willingness to resolve this matter through a stipulation as to facts, conclusions of law and disposition without the necessity of trial, thus saving State Bar resources. (*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].)

**Good Character:** Respondent provided nine letters attesting to her good character. The declarants are comprised of one attorney who is in good standing and eight others including friends, former and current clients, members of the community, and fellow board members. The declarants state that they have full knowledge of respondent's misconduct and find respondent to be a person of integrity. The declarants also attest to respondent's pro bono services, civic service, and charitable work. (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359. *Porter v. State Bar* (1990) 52 Cal.3d 518,529.)

#### **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).)

Standard 2.6(a) applies to respondent's unauthorized practice of law and provides that disbarment or actual suspension is appropriate. Standard 2.7 applies to respondent's misrepresentations to the court and the State Bar and provides that disbarment or actual suspension is appropriate for an act of dishonesty.

On August 9, 2013, respondent received notice of her suspension effective September 3, 2013. Despite having notice of her suspension, on October 25, 2013, respondent appeared in court as the attorney of record. Respondent failed to notify the court of her suspension until Mr. Gonzalez alerted the court to respondent's suspension on April 10, 2014. Respondent knowingly engaged in the unauthorized practice of law in at least two instances. After knowingly engaging in the unauthorized practice of law, respondent misrepresented her compliance with the State Bar Act and Rules of Professional Conduct in her quarterly report to the Office of Probation. Actual suspension is appropriate in this matter.

Standard 1.8(a) provides that if an attorney has a record of one prior discipline, the discipline imposed for the current misconduct must be greater than the previous discipline unless the prior discipline was remote in time and the offense was of minimal severity. Respondent's prior discipline of one (1) year stayed suspension, two (2) year probation with no actual suspension was not remote and her prior offense involved three counts of misconduct.

Pursuant to Standard 1.8(a), a sixty (60) day actual suspension is appropriate in this matter. Due to the aggravating circumstances present and the lack of mitigating circumstances currently present, a two (2) year stayed suspension with a two (2) year probation with conditions including a sixty (60) day actual suspension will protect the public, the courts, and the legal profession; help maintain high professional standards; and preserve public confidence in the profession.

Case law supports this recommendation. In *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Repr. 896, Ms. Wells was charged with six counts of misconduct. Ms. Wells engaged in the unauthorized practice of law in another jurisdiction, charged an illegal and unconscionable fee, failed to refund the unearned fee and made misrepresentations which constituted moral turpitude. Ms. Wells was previously disciplined with a private reproof for misconduct in two client matters. The Review Department gave Ms. Wells mitigative credit for extreme emotional distress, good character, and cooperation. The Review Department found aggravation in Ms. Well's prior record of discipline, multiple acts of wrongdoing, harm, and indifference. In determining the level of discipline, the Review Department looked to *In the Matter of Burkhardt* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 343 and *In the Matter of Yagman* (Review Dept. 1997) 3 Cal State Bar Ct. Rptr. 788, but found that the one year actual suspension recommended in both of those cases focused on the prior disciplines. In the end, the Review Department recommended an actual suspension of six (6) months, relying on standard 2.7 (now standard 2.3(a)) and Ms. Wells' prior discipline.

In this case, respondent's prior discipline was a one (1) year stayed suspension with no actual suspension. Although, respondent engaged in the unauthorized practice of law while suspended and made misrepresentations to the court and the Office of Probation, respondent did not charge an illegal

and unconscionable fee and has not failed to refund unearned fees. Also unlike Ms. Wells, respondent does not have significant aggravation. Because the discipline imposed for the current misconduct must be greater than the previous discipline, a two (2) year stayed suspension with a two (2) year probation with conditions including a sixty (60) day actual suspension is the appropriate level of discipline.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 12, 2015, the prosecution costs in this matter are approximately \$7,252. 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: DENISE ILEENE DAMROW	Case number(s): 14-O-01009
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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.

June 17 2015 \_\_\_\_\_  \_\_\_\_\_  
Date Respondent's Signature DENISE ILEENE DAMROW  
Print Name

\_\_\_\_\_  
Date Respondent's Counsel Signature \_\_\_\_\_  
Print Name

6/17/15 \_\_\_\_\_  \_\_\_\_\_  
Date Deputy Trial Counsel's Signature ANN J. KIM  
Print Name

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In the Matter of: <b>DENISE IIEENE DAMROW</b>	Case Number(s): <b>14-O-01009-YDR</b>
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**Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition**

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedures of the State Bar. The applicable provisions are set forth below:

**Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations**

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the member culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based.

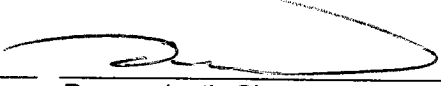
**Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition**

**“(A) Contents.** A proposed stipulation to facts, conclusions of law, and disposition must comprise:

- [1] . . . [1]
- (5) a statement that the member either:
  - (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
  - (b) pleads nolo contendere to those facts and misconduct;

[1] . . . [1]  
**(B) Plea of Nolo Contendere.** If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

10/28/15  
Date
  
Respondent's Signature
Denise Iieene Damrow  
Print Name

(Do not write above this line.)

In the Matter of: DENISE ILEENE DAMROW	Case Number(s): 14-O-01009
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### ACTUAL SUSPENSION ORDER

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

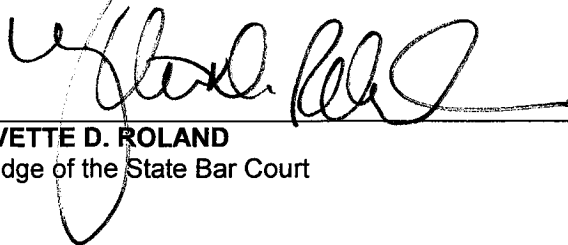
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

Page 7, FACTS AND CONCLUSIONS OF LAW: Delete "Respondent admits that the following facts are true and that she is culpable of the violation of the specified statute".

Replace with the following: "Respondent pleads nolo contendere to the following facts and violations. Respondent completely understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of her culpability of violation of the statutes and/or Rules of Professional Conduct specified herein, for all purposes in these disciplinary proceedings, except that the plea and any admissions herein may not be used against Respondent, or be admissible, in any other civil proceeding".

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.)**

October 30, 2015  
Date

  
YVETTE D. ROLAND  
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 Los Angeles, on October 30, 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:

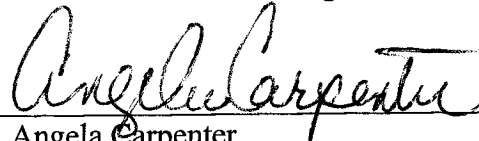
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DENISE ILEENE DAMROW  
PO BOX 92483  
LONG BEACH, CA 90809

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

Ann J. Kim, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 30, 2015.



Angela Carpenter  
Case Administrator  
State Bar Court