

Counsel for the State Bar JAYNE KIM Supervising Attorney Office of Probation 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1714	Case number(s) 03-PM-00468 kwiktag® 035 115 330 	(for Court's use) FILED JAN 15 2004 <i>YJC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES PUBLIC MATTER
Counsel for Respondent Ella S. Chatterjee IN PRO PER 7704 Elmdale Way Stanton, CA 90680 909-818-0591	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PROBATION VIOLATION—"PM" PROCEEDING <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of ELLA CHATTERJEE 149923 Bar # A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted Dec. 4, 1990
 (date)
- (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 and order consist of 8 pages.
- (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) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (no actual suspension)
 - until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure (actual suspension)
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
2005, 2006, 2007
 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation, under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. Aggravating Circumstances [... 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 (S106180) 99-0-10705

(b) date prior discipline effective July 31, 2002

(c) Rules of Professional Conduct/ State Bar Act violations: RPC rules 4-100(A); 4-100(B), 3-700(A)(2); B&P Code secs. 6106 6068(m), 6068(i).

(d) degree of prior discipline 3000 days of actual suspension; 3 years stayed, 3 years probation

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline". (S98519) case no. 00-0-101416. Date effective: Aug. 31, 2001; Violations: RPC 3-100(A); B&P secs 6068(m) and 6068(i). Prior degree of discipline: 45 days actual suspension, one year stayed, one year probation.

- (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.
- (7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

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 to 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 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) **No mitigating circumstances are involved.**

Additional mitigating circumstances:

See Stipulation Attachment (pages 6-7)

D. Discipline (choose only one):

- (1) Probation Extended: Respondent's probation in _____ shall be extended for _____.
Supreme Court case # State Bar Court case #
- (2) Probation Revoked; Probation Reinstated; Actual Suspension: Respondent's probation is revoked and reinstated on the same terms and conditions as previously imposed in _____
Supreme Court case # State Bar Court case #
The terms of probation shall remain the same as in the prior order except as indicated below. In addition, Respondent shall be actually suspended from the practice of law for _____.
- (3) Probation Revoked; Probation Reinstated; No Actual Suspension: Respondent's probation is revoked and reinstated on the same terms and conditions previously imposed in _____
Supreme Court case # State Bar Court case #
The terms of probation shall remain the same as in the prior order, except as indicated below.
- (4) Probation Revoked; Probation not Reinstated; Actual Suspension: Respondent's probation is revoked. Respondent shall be suspended from the practice of law for six months.

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

- (1) During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) If Respondent is actually suspended for two years or more, he/she shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (3) Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report will cover less than 30 days, that report shall be submitted on the next quarter date, and cover the extended period.
- In addition to all quartely reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the period of probation and no later than the last day of probation.
- (5) Respondent shall be assigned a probation monitor. Respondent shall promptly review these terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, respondent shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the monitor.
- (6) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 shall provide to the Probation Unit 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.
- (8) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit.
- (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 |
- (10) Other conditions negotiated by the parties:
See Stipulation Attachment page

Probation Conditions Deleted or Modified:

See Stipulation Attachment.

- Rule 955, California Rules of Court:** Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Ella S. Chatterjee, Member no. 149923

CASE NUMBER: 03-PM-00468

FACTS AND CONCLUSIONS OF LAW.

1. Respondent, Ella S. Chatterjee ("Respondent") was admitted to the practice of law in the State of California on December 4, 1990, and was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

2. By order dated July 1, 2002, the California Supreme Court imposed discipline on Respondent in case no. S106180 (State Bar Court case nos. 99-O-10705 et al). The Supreme Court suspended Respondent for three (3) years but stayed the execution of the suspension on the condition that Respondent comply with all terms of probation, including 300 days of actual suspension.

3. As terms of probation, Respondent was ordered to do the following: (1) submit written quarterly reports each January 10, April 10, July 10, and October 10 during the period of probation; (2) provide proof of attendance and completion of Ethics School within one year of the effective date of her discipline; (3) provide evidence of monthly medical treatment with each quarterly report; (4) develop a law office management/organization plan, which must be approved by the Probation Unit, within one year of the effective date of her discipline; (5) provide proof of completion of no less than ten (10) hours of MCLE approved courses in law office management, attorney client relations and/or general legal ethics; (6) provide proof of attendance and completion of Client Trust Account School within one year of the effective date of her discipline; (7) provide quarterly financial statements regarding possession or non-possession of client funds.

4. Respondent failed to comply with any of the aforementioned terms and conditions of her probation.

5. Respondent wilfully violated the terms of her probation by the following: (1) failing to submit any written quarterly reports due each January 10, April 10, July 10, and October 10 during the period of probation; (2) failing to provide proof of attendance and completion of Ethics School within one year of the effective date of her discipline; (3) failing to provide evidence of monthly medical treatment with each quarterly report; (4) failing to develop a law office management/organization plan, which must be approved by the Probation Unit, within one year of the effective date of her discipline; (5) failing to provide proof of completion of no less than ten (10) hours of MCLE approved courses in law office management, attorney client relations and/or general legal ethics; (6) failing to provide proof of attendance and completion of Client Trust Account School within one year of the effective date of her discipline; and (7) failing to provide quarterly financial statements regarding possession or non-possession of client funds.

PENDING PROCEEDINGS:

The disclosure dated referred to, on page one, paragraph A.(6), was December 5, 2003, and was provided by the Office of Chief Trial Counsel.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Probation has informed respondent that as of December 5, 2003, the estimated prosecution costs in this PM matter are approximately \$1546.00. 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.

MITIGATING CIRCUMSTANCES.

Respondent has presented evidence to the Office of Chief Trial Counsel and Office of Probation that she was suffering from clinical depression during the relevant time period of probation. Due to Respondent's depression, she failed to comply with the terms of her probation, pursuant to the aforementioned Supreme Court disciplinary order. Respondent also failed to comply with rule 955, California Rules of Court, which resulted in the filing of State Bar Court case no. 02-N-15505.

The Office of Chief Trial Counsel and Respondent have reached a simultaneous resolution in State Bar Court case no. 02-N-15505, wherein Respondent has stipulated to new terms and conditions of probation which are intended to replace the terms of probation in the instant matter.

12-9-03
Date


Respondent's signature

ELLA S. CHATTERJEE
print name

Date

Respondent's Counsel's signature

print name

12-9-03
Date


Supervising Attorney
Office of Probation

JAYNE KIM
print name

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:

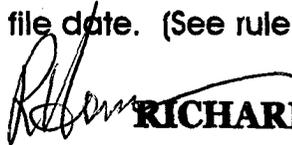
The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.

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

1. It is the Court's intent to have the actual suspension in this matter run concurrently with that in Case No. 02-N-15505. As such, both matters shall be filed with the Supreme Court simultaneously.

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 135(b), 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 953(a), California Rules of Court.)

1/14/04
Date


RICHARD A. HONN
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 January 15, 2004, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING PROBATION VIOLATION -
“PM” PROCEEDING, filed January 15, 2004**

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:

**ELLA S. CHATTERJEE
7704 ELMDALE WAY
STANTON CA 90680**

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

DAVID T. SAUBER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 15, 2004.**



Tammy R. Cleaver
Case Administrator
State Bar Court