

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case Nos.: 06-O-14335-RAH
)	07-O-12556 (Cons.)
JULIETTE ROBINSON,)	
)	DECISION AND ORDER SEALING
Member No. 147539,)	CERTAIN DOCUMENTS
)	
<u>A Member of the State Bar.</u>)	

I. INTRODUCTION

In this consolidated disciplinary proceeding, respondent Juliette Robinson (“respondent”) was accepted for participation in the State Bar Court’s Alternative Discipline Program (“ADP”). As the court has now found that respondent has successfully completed the ADP, the court will recommend to the Supreme Court that respondent be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that she be placed on probation for two years subject to certain conditions, including a 90-day period of suspension.

II. PERTINENT PROCEDURAL HISTORY

On May 15, 2007, the State Bar of California’s Office of the Chief Trial Counsel (“State Bar”) filed a Notice of Disciplinary Charges (“NDC”) against respondent in Case No. 06-O-14335. Respondent sought to participate in the State Bar Court’s ADP.

On July 16, 2007, respondent contacted the State Bar's Lawyer Assistance Program ("LAP") to assist her with her mental health issue. On July 17, 2007, this matter was referred to the ADP. On January 24, 2008, respondent signed a LAP Participation Plan.

The parties entered into a Stipulation Re Facts and Conclusions of Law ("stipulation") in May 2008. The stipulation set forth the factual findings, legal conclusions and mitigating and aggravating circumstances involved in Case No. 06-O-14335.

Following briefing by the parties, the court issued a Confidential Statement of Alternative Dispositions and Orders dated August 26, 2008, formally advising the parties of: (1) the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP; and (2) the discipline which would be recommended if respondent failed to successfully complete, or was terminated from, the ADP. After agreeing to those alternative dispositions, respondent and her counsel executed the Contract and Waiver for Participation in the State Bar Court's ADP; the court accepted respondent for participation in the ADP; and respondent's period of participation in the ADP began on August 26, 2008. That same day, the court: (1) lodged the Confidential Statement of Alternative Dispositions and Order; (2) filed the stipulation and its accompanying order; and (3) lodged the Contract and Waiver for Participation in the State Bar Court's ADP.

On October 6, 2008, the State Bar filed a second NDC against respondent, in Case No. 07-O-12556. The court subsequently ordered the consolidation of this matter with Case No. 06-O-14335.

In March 2009, the parties entered into an addendum to the stipulation. In this addendum, the parties incorporated Case No. 07-O-12556. On March 30, 2009, respondent submitted an amended nexus declaration to the court, which established a nexus between respondent's mental health issue and the charges in this matter.

Following supplemental briefing by the parties, the court issued an Amended Confidential Statement of Alternative Dispositions and Orders dated September 30, 2009. After agreeing to the alternative dispositions, respondent and her counsel executed an Amended Contract and Waiver for Participation in the State Bar Court's ADP. On September 30, 2009, the court: (1) lodged the Amended Confidential Statement of Alternative Dispositions and Order; (2) filed the addendum to the stipulation and its accompanying order; and (3) lodged the Amended Contract and Waiver for Participation in the State Bar Court's ADP.

Respondent participated successfully in both the LAP and the State Bar Court's ADP. On June 24, 2010, the court received a Certificate of One Year of Participation in the LAP - Mental Health. The court finds that respondent has successfully completed the ADP.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The parties' stipulation and addendum, including the court's orders approving the stipulation and addendum, are attached and hereby incorporated by reference, as if fully set forth herein. Respondent stipulated to the following violations:

1. Rule 4-100(B)(4) of the Rules of Professional Conduct of the State Bar of California¹ [failing to promptly pay out client funds];
2. Rule 4-100(A) [failure to maintain client funds in a trust account];
3. Business and Professions Code section 6106² [misappropriation];
4. Section 6068, subdivision (m) [failure to promptly respond to reasonable client status inquiries and keep clients reasonably informed of significant developments];
5. Section 6068, subdivision (i) [failure to cooperate in a State Bar investigation]; and
6. Rule 3-110(A) [failing to perform with competence].

¹ All further references to rule(s) are to the Rules of Professional Conduct, unless otherwise stated.

² All further references to section(s) are to the Business and Professions Code, unless otherwise stated.

In aggravation, respondent's misconduct involved multiple acts of wrongdoing. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b)(ii).)³ In mitigation, respondent had no prior record of discipline over many years of practice (Std. 1.2(e)(i)). The court also considers the extreme emotional difficulties respondent was suffering from at the time of the misconduct, and her successful completion of the ADP. (Std. 1.2(e)(iv).)

IV. DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, preserve public confidence in the legal profession, and maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate alternative discipline recommendations if respondent successfully completed the ADP or was terminated from, or failed to successfully complete, the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. In particular, the court considered standards 1.3, 1.4, 1.5, 1.6, 2.2(a), 2.2(b), 2.3, 2.4(b), and 2.6; and *McKnight v. State Bar* (1991) 53 Cal.3d 1025; *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071; *Lawhorn v. State Bar* (1987) 43 Cal.3d 1357; *In the Matter of Bleeker* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 113; *Giovanazzi v. State Bar* (1980) 28 Cal.3d 465; *Heavey v. State Bar* (1976) 17 Cal.3d 553; and *Waysman v. State Bar* (1986) 41 Cal.3d 452.

Because respondent has now successfully completed the ADP, this court, in turn, now recommends to the Supreme Court the imposition of the lower level of discipline, set forth more fully below, contained in the Amended Confidential Statement of Alternative Dispositions and Orders.

³ All further references to standard(s) or std. are to this source.

V. DISCIPLINE

It is hereby recommended that respondent **Juliette Robinson**, State Bar Number 147539, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that she be placed on probation⁴ for a period of two years subject to the following conditions:

1. Respondent Juliette Robinson is suspended from the practice of law for the first 90 days of probation.
2. Respondent Juliette Robinson must also comply with the following additional conditions of probation:
 - a. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
 - b. 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;
 - c. Within thirty (30) days after 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;
 - d. 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 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 thirty (30) days, that report must be submitted on the next quarter date, and cover the extended period.

⁴ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

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 the probation period;

- e. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation conditions;
- f. 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;
- g. Respondent must comply with all provisions and conditions of her Participation Plan with the Lawyer Assistance Program (“LAP”) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of her Participation Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent’s participation in the LAP and her compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP; and
- h. Within one (1) year after the effective date of the discipline herein, respondent must supply to the Office of Probation, satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

At the expiration of the period of probation, if Juliette Robinson has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

It is also recommended that Juliette Robinson take and pass the Multistate Professional Responsibility Examination (“MPRE”) administered by the National Conference of Bar Examiners, MPRE Application Department, P.O. Box 4001, Iowa City, Iowa, 52243, (telephone

319-337-1287) and provide proof of passage to the State Bar's Office of Probation in Los Angeles, within one year after the effective date of the discipline herein. Failure to pass the MPRE within the specified time results in actual suspension by the Review Department, without further hearing, until passage. (But see Cal. Rules of Court, rule 9.10(b), and Rules Proc. of State Bar, rule 321(a)(1) and (3).)

The court also recommends that Juliette Robinson be ordered to comply with California Rules of Court, rule 9.20 and to 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 order in this matter.⁵ Failure to do so may result in disbarment or suspension.

VI. COSTS

It is recommended that costs be 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.

VII. DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California ("Rules of Procedure"), all other documents not previously filed in this matter are ordered sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized

⁵ Respondent is required to file a rule 9.20(c) affidavit even if she has no clients to notify on the date the Supreme Court files its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)

individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: December _____, 2010

RICHARD A. HONN
Judge of the State Bar Court