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DEC 27 2005

STATE BAR COURT  
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LOS ANGELES

# PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

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In the Matter of )  
TAMARA L. GREEN, )  
Member No. 134460, )  
A Member of the State Bar. )

Case No. 03-O-01469; 03-O-01829;  
03-O-02809

**DECISION AND ORDER FILING AND  
SEALING CERTAIN DOCUMENTS**

## I. INTRODUCTION

This disciplinary proceeding arises out of three client matters involving respondent Tamara L. Green ("respondent"). After respondent reached a stipulation as to facts and conclusions of law with the Office of the Chief Trial Counsel of the State Bar of California ("OCTC"), this court approved the stipulation and accepted respondent as a participant in the State Bar Court's Program for Respondents with Substance Abuse or Mental Health Issues (hereinafter referred to as "Alternative Discipline Program" or "ADP"). (Rules Proc. of State Bar, rules 800-807.)

As set forth in greater detail below, respondent was terminated from the State Bar Court's Alternative Discipline Program based upon respondent's termination from the State Bar's Lawyer Assistance Program ("LAP").

In light of respondent's misconduct as set forth herein, the court recommends that respondent be suspended from the practice of law in the State of California for a period of two years and until she (a) provides satisfactory proof to the Office of Probation that she has made the restitution specified below; and (b) provides satisfactory proof to the State Bar Court of her rehabilitation, present fitness to practice law and present learning and ability in the general law

1 pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional  
2 Misconduct; that execution of the order of suspension be stayed, and that respondent be placed  
3 on probation for a period of five years on conditions including that respondent be actually  
4 suspended from the practice of law for the first six months of the period of probation and until  
5 she provides satisfactory proof to the Office of Probation that she has made restitution to Jesse  
6 Velez in the amount of \$1,000, plus interest of ten percent (10%) per annum, from January 1,  
7 2003 (or to the Client Security Fund to the extent of any payment from the fund to Jesse Velez,  
8 plus interest and costs, in accordance with Business and Professions Code section 6140.5). Any  
9 restitution to the Client Security Fund is enforceable as provided in Business and Professions  
10 Code section 6140.5, subdivision (c) and (d).

## 11 **II. SIGNIFICANT PROCEDURAL HISTORY**

12 In March 2004, the OCTC requested that the court make a referral to an ADP Judge for  
13 an evaluation to determine respondent's eligibility for participation in the ADP.

14 On March 16, 2004, the court referred the matter to the ADP.

15 On March 18, 2004, the OCTC filed a thirteen count Notice of Disciplinary Charges  
16 ("NDC") in the above-entitled matter.

17 In August 2004, respondent signed a Participation Agreement with the LAP.

18 On October 15, 2004, this court approved a Stipulation Re Facts and Conclusions of Law  
19 ("stipulation") that had been signed by the parties on May 21, 2004.

20 On October 15, 2004, this court also issued its Decision Re Alternative  
21 Recommendations for Degree of Discipline pursuant to rule 803(a) of the Rules of Procedure of  
22 the State Bar of California ("Rules of Procedure"). After considering the court's alternative  
23 discipline recommendations, respondent elected to participate in the State Bar Court's ADP.  
24 Following her execution of a Contract and Waiver for Participation in the State Bar Court's  
25 Program for Respondents with Substance Abuse or Mental Health Issues ("ADP Contract"),  
26 respondent was accepted into the ADP effective October 15, 2004.

27 From August 18, 2004 to June 29, 2005, the LAP reported to the court that respondent  
28 was in compliance with the terms of her Participation Agreement with the LAP.

1           On September 12, 2005, respondent met with the LAP Evaluation Committee for a  
2 review of her participation in the LAP. Respondent advised the Evaluation Committee that she  
3 would make a decision about her continued participation no later than September 23, 2005;  
4 however, no contact was made with the LAP by that date.

5           On October 5, 2005, the LAP reported to the court that respondent was not in compliance  
6 with the terms of her Participation Agreement.

7           In October 2005, the Director of the LAP, Janis R. Thibault, wrote a letter to respondent  
8 advising her that since no contact was made with the LAP by September 23, 2005, the Evaluation  
9 Committee terminated respondent's participation in the LAP effective October 13, 2005.

10           On or about October 20, 2005, the LAP notified the court that the LAP Evaluation  
11 Committee terminated respondent's participation on October 13, 2005.

12           In paragraph 5 of the ADP Contract signed by respondent on October 15, 2004,  
13 respondent confirmed her understanding that, if her participation in the LAP is terminated  
14 without her successful completion of the LAP, her participation in the ADP would be terminated.  
15 Additionally, in paragraph 4 of the ADP Contract, respondent specifically acknowledged and  
16 agreed that the higher level of discipline set forth in the court's Decision Re Alternative  
17 Recommendations for Degree of Discipline would be recommended to the Supreme Court in the  
18 event respondent is terminated from the ADP.

19           On October 28, 2005, the court held a status conference in this matter at which  
20 respondent appeared in person. Following the status conference, on October 31, 2005, the court  
21 issued an Alternative Discipline Program Status Conference Order setting forth: (1) that  
22 respondent was not in compliance with the conditions of the State Bar Court's ADP; (2) that  
23 respondent orally waived, on the record, the Order to Show Cause as to why respondent should  
24 not be terminated from the ADP; and (3) terminating respondent from the ADP. The court also  
25 noted that the Stipulation as to Facts and Conclusions of Law would be filed, and the court would  
26 prepare its decision and recommendation regarding the higher level of discipline. The court also  
27 ordered the parties to meet and confer as to the alternative medical conditions to be included in  
28 the court's decision.

1 On November 18, 2005, the OCTC submitted to the court the language agreed to by the  
2 parties as to the medical condition provision to be included in the court's decision.

3 This matter was submitted for decision on November 29, 2005.

4 **III. FACTS AND CONCLUSIONS OF LAW<sup>1</sup>**

5 **A. Jurisdiction**

6 Respondent was admitted to the practice of law in California on June 14, 1988, and has  
7 been a member of the State Bar of California at all times relevant to this proceeding.

8 **B. Case No. 03-O-01469 - The Magana Matter - Counts Three and Five**

9 In late 2001, Monica Magana ("Magana") retained respondent on a contingency basis to  
10 represent her in a personal injury matter. Respondent executed several liens in favor of medical  
11 providers who were treating Magana, including (a) I. Grossman, M.D., Inc. in December 2001;  
12 (b) Pacific Therapy Services, Inc. on January 22, 2002; and (c) Ventura Orthopaedic and Sports  
13 Medical Group, Inc. on March 20, 2002. Respondent knew that Magana had also sought medical  
14 treatment from other medical providers.

15 Respondent settled Magana's matter in September 2002 for the defendant's policy limit  
16 of \$30,000. According to respondent, Magana's medical expenses "exceeded the award."  
17 Magana claims that her medical bills amounted to approximately \$25,000.

18 In October 2002, respondent received two settlement checks from the defendant's insurer.  
19 The first check was in the amount of \$30,000 in settlement of Magana's claim. The second  
20 check was for \$750 in settlement of a claim on behalf of Magana's minor child. Respondent  
21 deposited the checks into her client trust account at Washington Mutual Bank on October 3,  
22 2002.

23 On October 22, 2002, respondent wrote a check, payable to herself and drawn upon her  
24 client trust account in the amount of \$10,000, in payment of her fees from Magana's \$30,000  
25 settlement. Thereafter, on December 3, 2002, respondent wrote a check, drawn on her client  
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27 <sup>1</sup>The court granted the parties' joint motion for the dismissal of the following charges:  
28 Case No. 03-O-01469 (counts one, two and four), Case No. 03-O-01829 (counts seven and  
eight), and Case No. 03-O-02809 (counts eleven and thirteen).

1 trust account, in the amount of \$500, payable to Magana as guardian for her minor child. On the  
2 same date, respondent wrote a trust account check payable to herself in the amount of \$250, as  
3 her attorney fees from the settlement of the minor child's matter. At approximately the same  
4 time, respondent notified Magana that she had come to agreements with the medical providers to  
5 whom Magana owed money and that she was going to pay those providers.

6 In March 2003, respondent's office telephone number [(805) 650-8200] was  
7 disconnected. Sometime thereafter, respondent moved her office, which had been located at  
8 5700 Moon Drive in Ventura, California, without leaving any forwarding address. Respondent  
9 never informed Magana that she had moved and never provided her with a new address or  
10 telephone number at which she could be contacted.

11 Respondent did not disburse any portion of the remaining \$20,000 of Magana's  
12 settlement funds to either Magana or to any of Magana's medical providers. Likewise,  
13 respondent did not interplead any portion of the \$20,000 for a judicial determination of the  
14 amount that each of Magana's medical providers should receive. Respondent did not notify  
15 Magana that she would not be disbursing the \$20,000 to Magana's medical providers as she had  
16 previously indicated.<sup>2</sup>

17 After subtracting her \$10,000 fee from the settlement funds, respondent was required to  
18 maintain the remaining \$20,000 of Magana's settlement funds in her client trust account until the  
19 money was paid to Magana or to others on Magana's behalf. By May 31, 2003, however, the  
20 balance in respondent's client trust account fell to \$17,160.35.

21 Respondent admits, and the court concludes, that by failing to disburse any portion of the  
22 \$20,000 in settlement funds to Magana or to her medical providers and by failing to notify  
23 Magana that she had relocated her law office or provide her with new contact information,  
24 respondent recklessly failed to perform legal services with competence in wilful violation of rule  
25 3-110(A) of the Rules of Professional Conduct of the State Bar of California.

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26  
27 <sup>2</sup> Respondent ultimately paid over \$21,400 to Magana's medical providers in October 2003,  
28 approximately ten months after respondent had advised Magana that she had come to agreements with  
the medical providers.

1 Respondent further admits, and the court concludes, that by failing to maintain the  
2 \$20,000 in settlement funds from the Magana matter in her client trust account until those funds  
3 were paid to Magana or her medical providers, respondent wilfully violated rule 4-100(A) of the  
4 Rules of Professional Conduct.

5 **C. Case No. 03-O-01829 - The Velez Matter - Counts Six and Nine**

6 Jesse Velez ("Velez") retained respondent on December 4, 2002, and paid her advanced  
7 attorney fees of \$1,000, to represent him in connection with the modification of a child support  
8 order.

9 In January 2003, respondent assured Velez that she would be handling his matter in the  
10 near future. Velez had no further communication with respondent. Respondent did not file any  
11 motion to modify or correct the child support order and failed to perform any legal services on  
12 behalf of Velez. Respondent never informed Velez that she would not be working on his case or  
13 that she had moved. Likewise, respondent never provided Velez with an address or telephone  
14 number at which she could be reached after January 2003. Respondent effectively abandoned  
15 Velez's legal matter and never returned any portion of his \$1,000 advanced fee.

16 Respondent admits, and the court concludes, that by failing to perform the legal services  
17 for which she was retained and by failing to provide Velez with an appropriate address or  
18 telephone number at which she could be contacted, respondent recklessly failed to perform legal  
19 services with competence in wilful violation of rule 3-110(A) of the Rules of Professional  
20 Conduct.

21 Respondent further admits, and the court concludes, that by failing to refund any portion  
22 of the \$1,000 in advanced attorney fees paid by Velez, none of which was earned, respondent  
23 wilfully violated rule 3-700(D)(2) of the Rules of Professional Conduct.

24 **D. Case No. 03-O-02809 - The Mundell Matter - Counts Ten and Twelve**

25 In January 2002, Brandon Mundell ("Mundell") retained respondent on a contingency  
26 basis to represent him in a civil matter. In May 2002, respondent filed a complaint on Mundell's  
27 behalf in the Ventura County Superior Court entitled *Mundell v. Chuy's Mesquite Broiler*.

28 Respondent continued to represent Mundell in his civil action until March 2003. On

1 March 20, 2003, a hearing was held on the defendant's ex parte application to compel plaintiff's  
2 discovery responses and to continue the trial date. At the March 20, 2003, hearing, the court  
3 issued an OSC directing respondent to show cause why the court should not exclude plaintiff's  
4 evidence regarding liability and damages for failure to respond to discovery. The hearing on the  
5 OSC was scheduled for March 27, 2003, but was continued to April 4, 2003. Respondent  
6 received notice of the April 4, 2003, hearing date.

7 Respondent did not appear at the April 4, 2003, OSC hearing. The court learned that  
8 respondent intended to substitute out of the lawsuit due to illness, but no substitution of counsel  
9 had been filed by respondent as of the date of the OSC hearing.

10 The trial of the *Mundell v. Chuy's Mesquite Broiler* action commenced on April 21,  
11 2003. Respondent failed to appear at trial and failed to arrange for alternate counsel to appear.  
12 No substitution of counsel was filed by respondent as of April 21, 2003, or at any time thereafter.  
13 Respondent did not communicate with the court in any manner after April 4, 2003. Respondent  
14 effectively terminated her employment with Mundell without taking any steps to avoid  
15 reasonably foreseeable prejudice to him.

16 Beginning in March 2003, Mundell had become concerned about the status of his case  
17 since he had not heard from respondent in some time. Mundell telephoned respondent at her  
18 office in March 2003, but discovered that her telephone was disconnected. He then went to  
19 respondent's office but discovered that she was no longer at that location. Respondent never  
20 notified Mundell that she had moved and never provided him with an address or telephone  
21 number at which she could be reached.

22 Respondent never notified Mundell that she was unable to represent him at trial or that  
23 she was terminating her employment with him. Likewise, she never took any steps to associate  
24 counsel in Mundell's action, never notified Mundell that he should seek other counsel and never  
25 sought permission from the court to withdraw from further representation of Mundell. Finally,  
26 respondent never informed Mundell that his case had been dismissed on or about April 21, 2003.

27 Respondent admits, and the court concludes, that by failing to appear at the OSC hearing  
28 on April 4, 2003, or at trial on April 21, 2003, by failing to notify Mundell that she had moved

1 her office and by failing to notify Mundell that his action had been dismissed, respondent  
2 recklessly failed to competently perform the legal services for which she was retained in wilful  
3 violation of rule 3-110(A) of the Rules of Professional Conduct.

4 Respondent also admits, and the court concludes, that by failing to notify Mundell that  
5 she was terminating her employment with him and by failing to take appropriate steps to avoid  
6 reasonably foreseeable prejudice to Mundell's rights, respondent improperly withdrew from  
7 employment in wilful violation of rule 3-700(A)(2) of the Rules of Professional Conduct.

#### 8 **IV. AGGRAVATION AND MITIGATION**

##### 9 **A. Aggravating Circumstances**

10 The parties have stipulated, and the court finds, that respondent's current misconduct  
11 evidences multiple acts of wrongdoing, inasmuch as she has admitted to culpability for  
12 misconduct in three separate matters. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions  
13 for Prof. Misconduct, standard 1.2(b)(ii) ("standard").)

14 Although the parties have not so stipulated, the court finds that respondent's misconduct  
15 significantly harmed her clients in the Magana and Mundell matters. In the Magana matter,  
16 respondent failed to disburse \$20,000 of settlement funds to either Magana or to her medical  
17 providers for a period of approximately ten months. In the Mundell matter, respondent's failure  
18 to competently perform the legal services for which she was retained and her improper  
19 withdrawal from employment resulted in the dismissal of Mundell's civil action. (Standard  
20 1.2(b)(iv).)

##### 21 **B. Mitigating Circumstances**

22 Respondent has no prior record of discipline in more than fourteen years of practice since  
23 her admission in June 1988. Such a lengthy period of practice without prior discipline is entitled  
24 to weight as a mitigating factor. (Standard 1.2(e)(i); *Schneider v. State Bar* (1987) 43 Cal.3d  
25 784, 798-799 [13 years of practice without prior discipline is an important mitigating  
26 circumstance]; *In the Matter of Burckhardt* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 343,  
27 350 [13 years of practice without prior discipline is an appropriate factor in mitigation].)

28 The parties have stipulated, and the court finds, that respondent displayed candor and



1 cooperation to the State Bar during the disciplinary investigation and proceedings. (Standard  
2 1.2(e)(v).)

3 The parties have also stipulated, and the court finds, that respondent promptly took steps  
4 demonstrating her remorse, recognition of her wrongdoing and a desire to timely atone for the  
5 consequences of her misconduct. (Standard 1.2(e)(vii).)

6 Finally, in October 2003, Respondent made restitution of over \$21,400 to Monica  
7 Magana's medical providers. (*In the Matter of Mapps* (Review Dept. 1990) 1 Cal. State Bar Ct.  
8 Rptr. 1, 13.)

### 9 V. DISCUSSION

10 The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to  
11 protect the public, to preserve public confidence in the profession and to maintain the highest  
12 possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103,  
13 111.)

14 Standard 1.6 provides that the appropriate sanction for the misconduct found must be  
15 balanced with any mitigating or aggravating circumstances, with due regard for the purposes of  
16 imposing discipline.

17 Standard 2.2(a) provides that culpability of a member of wilful misappropriation of  
18 entrusted funds shall result in disbarment unless the amount misappropriated is insignificantly  
19 small or if the most compelling mitigating circumstances clearly predominate, in which case the  
20 discipline imposed shall include an actual suspension of at least one year. Respondent was  
21 required to maintain \$20,000 of Magana's settlement funds in her client trust account for the  
22 payment of Magana's medical providers but the balance in respondent's trust account dipped to  
23 \$17,160.35 on May 31, 2003, more than four months prior to her payment of Magana's medical  
24 providers in October 2003. The dip in respondent's client trust account supports a finding that a  
25 portion of Magana's settlement funds were misappropriated. (*Giovanazzi v. State Bar* (1980) 28  
26 Cal.3d 465, 474; *In the Matter of Bleecker* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 113,  
27 122-123.)

28 Standard 2.4(b) provides that culpability of a member of wilfully failing to perform

1 services in an individual matter or matters not demonstrating a pattern of misconduct shall result  
2 in reproof or suspension depending upon the extent of the misconduct and the degree of harm to  
3 the client. Respondent has admitted to her violation of rule 3-110(A) of the Rules of  
4 Professional Conduct in three separate client matters.

5 Standard 2.10 provides that culpability of a member of a violation of any provision of the  
6 Business and Professions Code or the Rules of Professional Conduct not specified in the  
7 Standards shall result in reproof or suspension according to the gravity of the offense or the  
8 harm, if any, to the victim. Respondent has been found culpable of failing to return unearned  
9 fees in wilful violation of rule 3-700(D)(2) in the Velez matter and of improperly withdrawing  
10 from employment in wilful violation of rule 3-700(A)(2) in the Mundell matter.

11 In aggravation, respondent's current misconduct evidences multiple acts of wrongdoing,  
12 and the court finds that respondent's misconduct significantly harmed her clients in the Magana  
13 and Mundell matters.

14 In mitigation, respondent has no prior record of discipline. She displayed candor and  
15 cooperation to the State Bar during the disciplinary investigation and proceedings. She also  
16 promptly took steps demonstrating her remorse, recognition of her wrongdoing and a desire to  
17 timely atone for the consequences of her misconduct. Respondent also made restitution of over  
18 \$21,400 to Monica Magana's medical providers.

19 Supreme Court and Review Department case law establish that mental health problems or  
20 extreme emotional difficulties are a mitigating factor where expert testimony establishes that  
21 those mental health problems emotional difficulties were directly responsible for the misconduct,  
22 provided that the attorney has also established, through clear and convincing evidence, that he or  
23 she no longer suffers from the mental health problems or emotional difficulties. (*Porter v. State*  
24 *Bar* (1990) 52 Cal.3d 518, 527; *In re Naney* (1990) 51 Cal.3d 186, 197; *In re Lamb* (1989) 49  
25 Cal.3d 239, 246; *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676,  
26 701-702.) However, the Supreme Court has also held that, absent a finding of rehabilitation,  
27 mental health problems or emotional problems are not considered a mitigating factor. (*Kaplan v.*  
28 *State Bar* (1991) 52 Cal.3d 1067, 1072-1073; *In re Naney, supra*, 51 Cal.3d at p. 197.) Although

1 respondent has a mental health problem, and the court found that there is sufficient evidence of a  
2 nexus between that mental health issue and respondent's misconduct in this proceeding, as a  
3 result of respondent's termination from the ADP because of her termination from the LAP, she is  
4 not found to have undergone a meaningful and sustained period of rehabilitation from her mental  
5 health problem. As such, the court will not consider respondent's mental health problem as a  
6 mitigating circumstances in this matter.

7 In determining the appropriate discipline to recommend in this matter, the court notes that  
8 the parties jointly recommended that if respondent did not successfully complete the State Bar  
9 Court's ADP, or if she was terminated from the ADP, she should be suspended from the practice  
10 of law for a period of two years and until she makes specified restitution, that execution of the  
11 order of suspension should be stayed, and that respondent should be placed on probation for a  
12 period of five years on conditions which include her actual suspension for six months and until  
13 she makes restitution.

14 In considering the discipline recommendation in this matter, the court is also guided by  
15 *Bledsoe v. State Bar* (1991) 52 Cal.3d 1074 [two years actual suspension for failure to perform  
16 services in four client matters, failure to communicate, failure to return unearned fees and  
17 improper withdrawal from employment]; *In re Layton* (Review Dept. 1993) 2 Cal. State Bar Ct.  
18 Rptr. 366 [six months actual suspension for failure to perform services in one client matter  
19 involving failure to close an estate and distribute assets for five years]; *In re Peterson* (Review  
20 Dept. 1990) 1 Cal. State Bar Ct. Rptr. 73 [one year actual suspension for failure to perform  
21 services in three client matters and deceit of clients regarding status in two of those matters]; and  
22 *Brookman v. State Bar* (1988) 46 Cal.3d 1004 [90 days actual suspension for abandonment of  
23 two clients and entering into improper business transaction with a client].

24 After considering the stipulated facts and conclusions of law, the mitigating and  
25 aggravating circumstances, the parties' joint disciplinary recommendation, the applicable  
26 sanction standards and case law, the court concludes that the parties' disciplinary  
27 recommendation is reasonable and appropriate in this matter. Accordingly, the court will  
28 recommend to the Supreme Court that the following discipline be imposed upon respondent.

1 **VI. DISCIPLINE RECOMMENDATION**

2 **IT IS HEREBY RECOMMENDED** that respondent **TAMARA LUCIER GREEN** be  
3 suspended from the practice of law for a period of two years and until she (a) provides  
4 satisfactory proof to the Office of Probation that she has made the restitution specified below;  
5 and (b) provides satisfactory proof to the State Bar Court of her rehabilitation, present fitness to  
6 practice law and present learning and ability in the general law pursuant to standard 1.4(c)(ii) of  
7 the Standards for Attorney Sanctions for Professional Misconduct; that execution of the order of  
8 suspension be stayed, and that respondent be placed on probation for a period of five years on the  
9 following conditions:

- 10 1. Respondent must be actually suspended from the practice of law for the first six months  
11 of the period of probation and until she provides satisfactory proof to the Office of  
12 Probation that she has made restitution to Jesse Velez in the amount of \$1,000, plus  
13 interest of ten percent (10%) per annum, from January 1, 2003 (or to the Client Security  
14 Fund to the extent of any payment from the fund to Jesse Velez, plus interest and costs, in  
15 accordance with Business and Professions Code section 6140.5). Any restitution to the  
16 Client Security Fund is enforceable as provided in Business and Professions Code section  
17 6140.5, subdivision (c) and (d). To the extent that respondent has paid any restitution  
18 prior to the effective date of the Supreme Court's final disciplinary order in this  
19 proceeding, respondent will be given credit for such payment(s) provided satisfactory  
20 proof of such is shown to the State Bar's Office of Probation;
- 21 2. If the period of respondent's actual suspension reaches or exceeds two years, she must  
22 remain actually suspended from the practice of law until she shows proof satisfactory to  
23 the State Bar Court of her rehabilitation, present fitness to practice law and present  
24 learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for  
25 Attorney Sanctions for Professional Misconduct;
- 26 3. Respondent must comply with the provisions of the State Bar Act and the Rules of  
27 Professional Conduct;
- 28 4. Within ten (10) calendar days of any change in the information required to be maintained

1 on the membership records of the State Bar pursuant to Business and Professions Code  
2 section 6002.1, subdivision (a), including her current office address and telephone  
3 number, respondent must report such change in writing to both the Office of Probation  
4 and to the Membership Records Office of the State Bar;

- 5 5. Respondent must obtain a mental health evaluation from a licensed psychiatrist (or other  
6 medical provider approved by the Office of Probation who is qualified to perform the  
7 evaluation described herein), within sixty (60) days after the effective date of the  
8 Supreme Court's final disciplinary order in this matter, unless respondent has already  
9 done so during the time period between her termination from the ADP and the effective  
10 date of the Supreme Court's final disciplinary order in this matter. The evaluator must  
11 prepare a written evaluation based on DSM IV axis, which must include a  
12 treatment/monitoring plan, if appropriate, to be followed for the duration of respondent's  
13 period of probation. Respondent must comply with any treatment/monitoring plan  
14 recommended following such evaluation. Treatment/monitoring should commence  
15 immediately after said evaluation and, in any event, no later than thirty (30) days after  
16 said evaluation. Any treatment/monitoring plan may be modified from time to time  
17 during probation based on subsequent evaluations conducted by a psychiatrist. Said  
18 evaluation, and any follow-up evaluation and treatment must be at respondent's expense.  
19 A copy of all evaluations conducted under this section must be provided to the Office of  
20 Probation as well as to the OCTC within forty-five (45) days after said evaluation.  
21 Respondent must execute all waivers of confidentiality necessary to effect this provision.  
22 With each quarterly report, respondent must furnish to the Office of Probation sufficient  
23 evidence, as specified by the Office of Probation, that she is so complying with this  
24 condition of probation. Treatment/monitoring must continue for the period of probation  
25 or until a motion to modify this condition is granted and that ruling become final. If,  
26 following any evaluation, a medical professional determines that there has been a  
27 substantial change in respondent's condition, respondent or the State Bar's Office of  
28 Probation or the Office of the Chief Trial Counsel may file a motion for modification of

1 this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of  
2 the Rules of Procedure. The motion must be supported by a written statement from a  
3 medical professional, by affidavit or under penalty or perjury, in support of the proposed  
4 modification.

- 5 6. Respondent must submit written quarterly reports to the Office of Probation on each  
6 January 10, April 10, July 10 and October 10 of the period during which these probation  
7 conditions are in effect. Under penalty of perjury, respondent must state whether she has  
8 complied with the State Bar Act, the Rules of Professional Conduct and all conditions of  
9 probation during the preceding calendar quarter. If the first report will cover less than 30  
10 calendar days, that report must be submitted on the reporting date for the next calendar  
11 quarter and must cover the extended period. In addition to all quarterly reports,  
12 respondent must submit a final report, containing the same information required by the  
13 quarterly reports. The final report must be submitted no earlier than 20 calendar days  
14 before the last day of the period of probation and no later than the last day of that period;
- 15 7. Subject to the assertion of applicable privileges, respondent must answer fully, promptly  
16 and truthfully, all inquiries of the Office of Probation which are directed to her personally  
17 or in writing relating to whether respondent is complying or has complied with the  
18 conditions of her probation;
- 19 8. Within one year after the effective date of the Supreme Court's final disciplinary order in  
20 this proceeding, respondent must provide the Office of Probation with satisfactory proof  
21 of her attendance at a session of State Bar Ethics School and of her passage of the test  
22 given at the conclusion of that session;
- 23 9. These probation conditions will commence on the effective date of the Supreme Court's  
24 final disciplinary order in this proceeding.

25 The Court also recommends that respondent be required to take and pass the Multistate  
26 Professional Responsibility Examination ("MPRE"), administered by the National Conference of  
27 Bar Examiners, within one year after the effective date of the Supreme Court's final disciplinary  
28 order in this proceeding or within the period of her actual suspension, whichever is longer, and

1 that she be ordered to provide satisfactory proof of her passage of the MPRE to the Office of  
2 Probation within that period.

3 The Court further recommends that respondent be ordered to comply with the  
4 requirements of rule 955 of the California Rules of Court and that she be ordered to perform the  
5 acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively,  
6 after the effective date of the Supreme Court's final disciplinary order in this proceeding.

7 **VII. COSTS**

8 It is recommended that costs be awarded to the State Bar in accordance with Business and  
9 Professions Code section 6086.10 and are enforceable both as provided in Business and  
10 Professions Code section 6140.7 and as a money judgment.

11 **VIII. ORDER FILING AND SEALING CERTAIN DOCUMENTS**

12 The court orders the Clerk to file the parties' Stipulation Re Facts and Conclusions of  
13 Law, as well as this Decision and Order Filing and Sealing Certain Documents. Thereafter,  
14 pursuant to rule 806(c) of the Rules of Procedure, all other documents not previously filed in this  
15 matter will be sealed pursuant to rule 23 of the Rules of Procedure.

16 **IT IS SO ORDERED.**

17  
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20  
21 Dated: December 23, 2005

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23 \_\_\_\_\_  
24 RICHARD A. HONN  
25 Judge of the State Bar Court  
26  
27  
28

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; 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 December 27, 2005, I deposited a true copy of the following document(s):

**DECISION AND ORDER FILING AND SEALING CERTAIN DOCUMENTS**

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

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

**TAMARA L GREEN  
LAW OFC TAMARA GREEN  
4756 TELEPHONE RD #4  
VENTURA, CA 93003 5200**

**TAMARA L GREEN  
821 EL PAISANO DRIVE  
FALLBROOK, CA 92028**

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

**Brooke Schafer, Enforcement, Los Angeles**

**Terrie Goldade, Supervising Attorney Office of Probation, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **December 27, 2005.**

  
\_\_\_\_\_  
**Milagro del B. Salmeron**  
Case Administrator  
State Bar Court