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| <b>State Bar Court of California</b><br><b>Hearing Department</b><br><b>Los Angeles</b>  |   | kwiktag® 022 607 216<br>  |
| Counsel For The State Bar<br><br><b>Eli D. Morgenstern</b><br>1149 South Hill Street<br>Los Angeles, California 90015-2299<br>Telephone: (213) 765-1334<br><br>Bar # 190560        | Case Number (s)<br>05-O-00601-RAH;<br>05-O-01090  | (for Court's use)<br><br><div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">PUBLIC MATTER FILED</div><br><br><div style="text-align: right;">           MAR 05 2007<br/>           STATE BAR COURT<br/>           CLERK'S OFFICE<br/>           LOS ANGELES         </div> |
| Counsel For Respondent<br><br><b>Michael G. Gerner, Esq.</b><br>10100 Santa Monica Boulevard, #30<br>Los Angeles, California 90067<br>Telephone: (310) 772-2207<br><br>Bar # 65906 | Submitted to: <b>Assigned Judge</b>   |  |
| In the Matter Of:<br><b>Emily J. Adams</b><br><br>Bar # 221895<br><br>A Member of the State Bar of California<br>(Respondent)  | STIPULATION RE FACTS, CONCLUSIONS OF LAW AND<br>DISPOSITION AND ORDER APPROVING<br><br><b>PUBLIC REPROVAL</b><br><br><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 4, 2002**.
- (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 **14** 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."
- (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):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
  - case ineligible for costs (private reproof)
  - costs to be paid in equal amounts for the following membership years: **costs to be paid in equal amounts prior to February 1 for the following 3 billing cycles following the effective date of the Supreme Court Order.**  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**B. Aggravating Circumstances [for 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
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.

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- (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 wrongdoing 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 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 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.

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- (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)  **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:**

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
  - (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
  - (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproof:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of **one (1) year**.
- (2)  During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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: .
- (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)  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 within one year of the effective date of the reprobation.
- No MPRE recommended. Reason: .
- (11)  The following conditions are attached hereto and incorporated:
- |   |   |
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| <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:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:       EMILY JEAN ADAMS

CASE NUMBER(S):        05-O-00601 and 05-O-01090; et. al ET AL.

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and Rules of Professional Conduct.

**Case No. 05-O-00601**

**Facts**

1. On October 15, 2003, Raul Guevara (“Guevara”) hired Respondent to represent him in a wrongful termination case against Union Pacific Railroad (“Union Pacific”), his former employer. On the same date, Guevara signed a retainer agreement prepared by Respondent, pursuant to which Respondent agreed to represent Guevara for a payment of \$2,000 and a contingency fee of 33%.
2. On October 16, 2003, Guevara paid Respondent \$1,000.
3. On October 23, 2003, Respondent filed a complaint in the Los Angeles Superior Court entitled *Raul Guevara v. Union Pacific Railroad, et. al.*, LASC Case No. BC 304759 (“*Guevara v. Union Pacific*”).
4. On February 25, 2004, the Court made the following orders at a case management conference in *Guevara v. Union Pacific*:
  - (a) a private mediation be completed by September 1, 2004;
  - (b) a joint mediation report be submitted by September 8, 2004;
  - (c) a post mediation status conference be conducted on September 15, 2004;
  - (d) a final status conference be conducted on October 15, 2004; and
  - (e) a trial for the matter to commence on October 19, 2004.

5. Respondent never advised Guevara of any of the aforementioned orders made by the Court at the February 25, 2004 case management conference.

6. On June 7, 2004, Union Pacific's counsel served Respondent with Special Interrogatories propounded in Guevara in *Guevara v. Union Pacific*. Respondent received the Special Interrogatories; however, at no time did Respondent advise Guevara of her receipt of the interrogatories or respond to them, and opposing counsel was unable to contact Respondent in order to arrange a meet and confer regarding the outstanding responses.

7. On July 2, 2004, Union Pacific's counsel filed and properly served on Respondent a Motion for Summary Judgment ("MSJ") in *Guevara v. Union Pacific*. Respondent received the MSJ, and filed an opposition to it.

8. On August 4, 2004, Union Pacific's counsel filed and properly served on Respondent a "Motion to Compel Answer to Interrogatories without Objection" ("Motion to Compel") in *Guevara v. Union Pacific*. Respondent received the Motion to Compel; however Respondent did not respond to it, or otherwise communicate with Union Pacific's counsel. Respondent did not advise Guevara of the Motion to Compel.

9. On August 25, 2004, the Court heard and granted the Motion to Compel in *Guevara v. Union Pacific*. The Court ordered Guevara to provide responses to the Special Interrogatories without objection and to pay monetary sanctions to Union Pacific in the sum of \$183.60, within 10 days of service of the order. Respondent received a copy of the Order granting the Motion to Compel served by the Court; however, Respondent did not advise Guevara of the Order.

10. The private mediation in *Guevara v. Union Pacific* was not completed by September 1, 2004; consequently, the parties did not submit a joint mediation report in *Guevara v. Union Pacific* by September 8, 2004.

11. On September 15, 2004, Respondent failed to appear for the post mediation status conference in *Guevara v. Union Pacific*. The Court issued and served on the parties an Order to Show Cause ("OSC") for Respondent's failure to appear for the post mediation status conference, which was to be heard on September 27, 2004. Respondent received the copy of the OSC served by the Court; however, Respondent did not advise Guevara of the OSC.

12. On September 20, 2004, Respondent filed a "Motion to Continue Trial Date" ("Motion to Continue") to continue the October 19, 2004 trial in *Guevara v. Union Pacific* for at least 60-days. In her declaration, which was attached to the Motion to Continue and filed therewith, Respondent declared that: (a) in April 2004, she moved to Temecula, California; (b) in July 2004, she located a new office in Temecula; (c) in August 2004, she moved into her new office in Temecula, (d) relocating her office took time and money that prevented her from conducting discovery on behalf of Guevara; and (e) a 60-day continuance would allow her to

respond to Union Pacific's Special Interrogatories and conduct discovery. The header for Respondent's Motion to Continue listed Respondent's new office address in Temecula.

13. Respondent did not inform Guevara that she changed her address and telephone number.

14. On September 20, 2004, Respondent also appeared for the hearing on the MSJ. The Court denied the MSJ; and continued the OSC from September 27, 2004, to October 4, 2004, in order to allow the parties to complete the mediation. The Court also denied Respondent's Motion to Continue and ordered the trial to begin on October 19, 2004.

15. At no time did Respondent contact Union Pacific's counsel in order to arrange the mediation.

16. On October 4, 2004, Respondent failed to appear at the court ordered OSC. The Court advanced and vacated the October 19, 2004, trial date and dismissed *the Guevara v. Union Pacific* action.

17. On October 4, 2004, Union Pacific's counsel filed and served on Respondent a "Notice of Dismissal by the Court" in *Guevara v. Union Pacific*. The notice was served on Respondent at her new office address in Temecula. Respondent received the notice. Respondent did not advise Guevara of the dismissal.

18. Respondent did not attempt to set aside the dismissal of *Guevara v. Union Pacific*.

19. In November 2004, Guevara learned that the Superior Court dismissed *Guevara v. Union Pacific*. Guevara called Respondent at her office and received a message that her telephone number had been disconnected.

20. In November 2004, Guevara learned that Respondent had relocated to Temecula. Guevara called Respondent's office telephone number in Temecula on several occasions, but Respondent's telephone rang without being answered.

21. Subsequently, Guevara retained new counsel; and on July 21, 2005, the dismissal in the *Guevara v. Union Pacific* matter was set aside.

#### Conclusions of Law

By failing to prosecute, or take any action to resolve, the *Guevara v. Union Pacific* matter, and by failing to seek to set aside the dismissal, Respondent wilfully violated rule 3-110(A) of the Rules of Professional Conduct.



By failing to advise Guevara of the Court's orders made at the February 25, 2004 case management conference, that she moved offices in or about April 2004, that Union Pacific propounded Special Interrogatories and filed a Motion to Compel, that the Motion to Compel was granted, that Respondent failed to appear at the September 15, 2004, status conference, and that the Court issued an OSC, and that on October 4, 2004, the Court dismissed *Guevara v. Union Pacific*, Respondent failed to keep a client informed of significant developments in a matter in which Respondent agreed to provide legal services, in wilful violation of Business and Professions Code section 6068(m).

**Case No. 05-O-01090**

1. On or about April 14, 2004, Brandon Hepburn ("Hepburn") hired Respondent to represent him and his business, Jam Packed Productions, LLC ("Jam Packed"), in a credit card dispute with Landmark Merchant Solutions, LLC ("Landmark"). Respondent and Hepburn agreed that Respondent would be compensated by a contingency fee.

2. On April 29, 2004, Respondent filed a Complaint for Indemnification and Breach of Contract in the Los Angeles Superior Court ("Superior Court" or "LASC") titled *Jam Packed Productions, LLC. v. Landmark Merchant Solutions*, LASC Case No. BC 314778 ("*Jam Packed v. Landmark*").

3. On May 10, 2004, the Superior Court ordered a Case Management Conference to be held on August 27, 2004 in *Jam Packed v. Landmark*.

4. On or about June 23, 2004, counsel for Landmark mailed a letter to Respondent stating, *inter alia*, that: the complaint had not been served on Landmark; the complaint had been served on an unaffiliated California corporation; the contract required the complaint to be brought in Cook County, Illinois ("Cook County"); and Respondent should dismiss the complaint and re-file it in Cook County. Respondent received the letter.

5. Beginning in June 2004, Hepburn attempted several times per month to contact Respondent by telephone to obtain a status report on *Jam Packed v. Landmark*. No one answered the telephone and Hepburn left messages for Respondent on her telephone voice message system requesting that Respondent contact him when she was able to do so. Respondent never responded to Hepburn's messages.

6. On July 8, 2004, counsel for Landmark specially appeared to serve on Respondent and file a Motion for an Order to Stay or Dismiss Proceedings for Inconvenient Forum ("Motion to Dismiss") and Motion for an Order Quashing Service of Summons on Landmark ("Motion to Quash") in *Jam Packed v. Landmark*. The Motion to Dismiss argued, *inter alia*, that the contract required the complaint to be brought in Cook County. The Motion to Quash argued, *inter alia*, that Respondent failed to serve the complaint on Landmark and had served it on an unaffiliated California corporation.

7. Respondent did not respond to the Motions to Dismiss and Quash served and filed on July 8, 2004, or otherwise communicate with counsel for Landmark. Respondent did not advise Hepburn that Respondent was served with the Motions to Dismiss and Quash, or that she failed to respond to them.

8. On August 2, 2004, Respondent failed to appear for the hearing on the Motions to Dismiss and Quash in *Jam Packed v. Landmark*. The Court granted the Motion to Dismiss without prejudice and the Motion to Quash was withdrawn by counsel for Landmark. Thereafter, the Court advanced and vacated the case management conference set for August 27, 2004. Respondent did not advise Hepburn of the dismissal.

9. Respondent did not follow up to determine the status of the Motions to Dismiss and Quash or seek to set aside the dismissal.

10. On November 16, 2004, Landmark issued a check to Jam Packed in the sum of \$3,445.

### Conclusions of Law

By failing to oppose the Motions to Dismiss and Quash, or seek to set aside the dismissal, Respondent wilfully violated rule 3-110(A) of the Rules of Professional Conduct.

By failing to return the messages that Hepburn left beginning in June 2004, Respondent failed to respond promptly to reasonable status inquiries of a client, in wilful violation of Business and Professions Code section 6068(m).

By failing to inform Hepburn that she failed to oppose the Motions to Dismiss and Quash, or that the complaint in *Jam Packed v. Landmark* had been dismissed, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in wilful violation of Business and Professions Code section 6068(m).

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was ~~January 19, 2007.~~ February 22, 2007. *my EDM*

### **DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

| <u>Case No.</u> | <u>Count</u> | <u>Alleged Violation</u>                |
|-----------------|--------------|---|
| 05-O-00601      | TWO          | Business and Professions Code § 6103    |
| 05-O-00601      | FOUR         | Business and Professions Code § 6068(m) |
| 05-O-00601      | FIVE         | Business and Professions Code § 6068(i) |
| 05-O-01090      | NINE         | Business and Professions Code § 6068(i) |

**COSTS OF DISCIPLINARY PROCEEDINGS.**

WJG  
1/19/07  
EDM
 Respondent acknowledges that the Office of the Chief Trial Counsel has informed her that as of ~~January 19, 2007~~, the estimated prosecution costs in this matter are approximately \$2,929. Respondent 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.

**AUTHORITIES SUPPORTING DISCIPLINE.**

**Standards**

Standard 2.4(b) of the Standards For Attorney Sanctions for Professional Misconduct, Title IV of the Rules of Procedure (“Standards”) provides that:

“Culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.”

**Case Law**

*Samuelson v. State Bar* (1979) 23 Cal. 3d 558. Respondent publicly reproofed for failing to expeditiously conduct probate proceedings (proceedings unnecessarily delayed for five years).

*In the Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703. Respondent publicly reproofed for failure to promptly return unearned fee, and upon discharge by the clients, failing to take steps to avoid foreseeable prejudice to the clients.

## **OTHER FACTORS IN CONSIDERATION.**

Respondent did not provide the State Bar with psychological or medical evidence to corroborate the statement that follows, and thus Respondent is entitled to limited weight in mitigation pursuant to Standard 1.2(e)(iv). The statement is nevertheless included as Respondent's uncorroborated explanation for her misconduct.

Respondent became a member of the Bar on December 4, 2002, when she was 26 years old. The misconduct committed herein occurred in 2003 and 2004, when Respondent had little, or no experience, in operating her own practice. In addition, during this period, Respondent has stated to the State Bar that she experienced a series of emotional, medical and personal problems, which caused her to enter a state of depression. In August 2004, Respondent hit her nadir, closed her law office, and removed herself from the practice of law. Respondent has stated to the State Bar that she has gone through an arduous healing period and since November 2005 has been employed outside of the practice of law.

Respondent was a highly motivated law student. During law school, she was a law clerk at a prestigious law firm; and an intern at a second prestigious law firm, working in their American Indian Law Section, which represented Indian casinos. She also worked as an extern for a Federal Bankruptcy Court judge.

Respondent terminated her externship with the Bankruptcy Court judge in April 2001, when her father was involved in a serious traffic accident that left him in a coma for three days. Her father lived in Oregon. Respondent flew to Oregon and stayed with her father during his entire period of hospitalization. After her father emerged from the coma he fell out of the hospital bed and suffered a severe brain injury, which required surgery and put him into a second and deeper coma.

After approximately three months her father was released from the hospital; however, he required 24 hour care.

In August 2001, Respondent moved her father to live with her in Monrovia. Respondent was, and until recently remained, her father's primary caregiver.

Respondent worked as a law clerk for an attorney in Monrovia in order to be close to her home for her father. While she worked her then boyfriend, now husband, would take care of her father, but she was always close by.

Upon passing the bar, Respondent continued to perform work for the local attorney and began making appearances for him. Shortly after passing the Bar, with the encouragement of the attorney with whom she had been working, she opened her own law office in Monrovia.

However, shortly thereafter, the attorney had a stroke and left the practice of law. Accordingly, Respondent was left without her mentor.

In August 2003 and again in October 2003, Respondent suffered miscarriages. Respondent has stated to the State Bar that these events coupled with the day to day pressure of caring for her father and increasing financial stress was the genesis of what she believes was debilitating depression.

After Respondent closed her law office she obtained employment at the Pechanga Resort and Casino, as Human Resources Compensation and Policy Manager. Respondent represents that she has regained much of her self-esteem and has been highly successful in her employment. Respondent is currently on maternity leave. Upon her return, she will be participating in her Employee Assistance Program to continue to address her issues.

#### **STATE BAR ETHICS SCHOOL.**


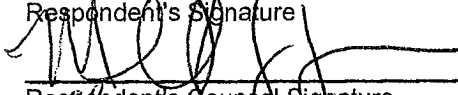
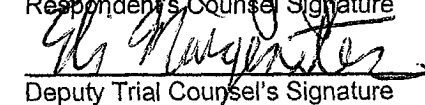
Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, Respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

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| In the Matter of<br>Emily J. Adams | Case number(s):<br>05-0-00601-RAH;<br>05-0-01090 |
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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 Fact, Conclusions of Law and Disposition.

|                          |  |   |
|--------------------------|--|---|
| <u>2/21/2007</u><br>Date | <u></u><br>Respondent's Signature           | <u>Emily J. Adams</u><br>Print Name     |
| <u>2-22-07</u><br>Date   | <u></u><br>Respondent's Counsel Signature   | <u>Michael G. Gerner</u><br>Print Name  |
| <u>2-26-07</u><br>Date   | <u></u><br>Deputy Trial Counsel's Signature | <u>Eli D. Morgenstern</u><br>Print Name |

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| In the Matter Of<br><b>Emily J. Adams</b> | Case Number(s):<br><b>05-O-00601-RAH;</b><br><b>05-O-01090</b> |
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**ORDER**

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

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 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

3-1-07  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court  
**RICHARD A. HONN**

**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 March 5, 2007, I deposited a true copy of the following document(s):

**STIPULATIONS RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING**

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:

**MICHAEL G GERNER ESQ  
MICHAEL G GERNER, A PROF LAW CORP  
10100 SANTA MONICA BLVD #300  
LOS ANGELES, CA 90067**

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

**Eli D. Morgenstern, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **March 5, 2007**.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court