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**State Bar Court of California**  
**Hearing Department**  
**San Francisco**

~~CONFIDENTIAL~~

**PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES**

<p>Counsel For The State Bar</p> <p><b>Cydney Batchelor</b>  <b>Deputy Trial Counsel</b>  <b>180 Howard St., 7<sup>th</sup> Fl.</b>  <b>San Francisco, CA 94105</b>  <b>Tele: 415/538-2204</b></p> <p>Bar # <b>114637</b></p>	<p>Case Number (s)</p> <p><b>06-O-12776-PEM</b></p> <p align="center"><b>FILED</b></p> <p align="center"><b>JAN 0 6 2010</b></p> <p align="center">STATE BAR COURT CLERK'S OFFICE  SAN FRANCISCO</p>	<p>(for Court's use)</p> <p align="center"><b>PUBLIC MATTER</b></p> <p align="center"><b>LODGED</b></p> <p align="center"><del>MAY 21 2007</del></p> <p align="center">STATE BAR COURT  CLERK'S OFFICE  SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Ava D. Landers</b>  <b>Attorney at Law</b>  <b>535 North St.</b>  <b>Woodland, CA 95695</b>  <b>Tele: 530/669-5900</b></p>	<p>Submitted to: <b>Program Judge</b></p> <p align="center"><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # <b>171859</b></p> <p>In the Matter Of:</p> <p><b>AVA D. LANDERS</b></p> <p>Bar # <b>171859</b></p> <p>A Member of the State Bar of California  (Respondent)</p>		

**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 **November 22, 1994**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **7** pages, excluding 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) 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 and will pay timely any disciplinary costs imposed in this proceeding.

**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:
- (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 wrongdoing or demonstrates a pattern of misconduct. **See attached**
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

None

**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. **See attached**
- (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. **See attached**
- (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. **See attached**
- (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. **See attached**
- (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:**

**See attached**

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

IN THE MATTER OF:       **AVA D. LANDERS**

CASE NUMBERS:           **06-O-12776-PEM**

**FACTS AND CONCLUSIONS OF LAW.**

**Facts:**

1. In January 2003, Sara Escobar ("Escobar") employed respondent to represent her in a bankruptcy matter.

2. Over time, Escobar paid respondent \$950.00 as advanced attorney fees for the representation (\$200.00 on January 16, 2003; \$300.00 on February 25, 2003; \$450.00 on March 27, 2003).

3. In August 2003, respondent filed a bankruptcy petition on Escobar's behalf. However, Escobar neglected to sign and return a verification form, and the bankruptcy case issued an order to show cause why the case should not be dismissed for failure to file the form. Respondent had notice of the OSC, but failed to contact Escobar to obtain a verification from her, or to otherwise protect Escobar's rights in the case.

4. The bankruptcy court dismissed the case on September 5, 2003. Respondent failed ever to inform Escobar that the case had been dismissed.

**Conclusions of Law:** By recklessly failing to contact Escobar to obtain a verification, or to otherwise protect her rights in the bankruptcy case, respondent failed to perform competently the legal services for which she was employed, in violation of Rule of Professional Conduct 3-110(A). By willfully failing to notify Escobar that her case had been dismissed, respondent failed to keep her reasonably informed of significant developments in the case, in violation of Business and Professions Code section 6068(m).

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was March 5, 2007.

## **AGGRAVATING CIRCUMSTANCES.**

### **Facts Supporting Aggravating Circumstances:**

Multiple Acts of Misconduct: Together with the facts admitted in the stipulation filed with this Court on June 26, 2006, the misconduct in both stipulations represents multiple acts of misconduct.

## **MITIGATING CIRCUMSTANCES.**

### **Facts Supporting Mitigating Circumstances.**

Candor and cooperation. Respondent has been completely candid and cooperative with the State Bar during its investigation and resolution of this case.

Marital and emotional difficulties: During the time of the misconduct, respondent's marriage was disintegrating, and she separated from her husband twice, and then divorced.

Financial difficulties: As a result of her marital problems, respondent suffered extreme financial problems during the period of the misconduct, including payment of extensive attorney fees, assumption of large community debt, and refinancing of her home.

### **Additional Mitigating Circumstances.**

No prior discipline: Although the stipulated misconduct is serious, it is worth noting that Respondent has had no prior record of discipline since being admitted in 1994.

Participation in Lawyer's Assistance Program. On November 21, 2005, respondent contacted the State Bar Lawyer Assistance Program ("LAP") and completed the intake process. On December 5, 2005, respondent signed a pre-enrollment assessment agreement with LAP. Respondent signed a long-term participation contract with LAP on April 24, 2006. Respondent has remained in compliance with LAP since that date.

**RESTITUTION.**

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below:

In accordance with the timetable set forth in the State Bar Court alternative discipline program contract to be executed between the State Bar Court and Respondent on the captioned case, Respondent must make restitution as follows:

Sara Escobar, or the Client Security Fund if it has paid on her behalf, in the principal amount of \$950.00, plus interest at the rate of 10% per annum from June 7, 2006, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

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In the Matter of  <b>AVA D. LANDERS</b>	Case number(s):  <b>06-O-12776-PEM</b>
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### SIGNATURE OF THE PARTIES

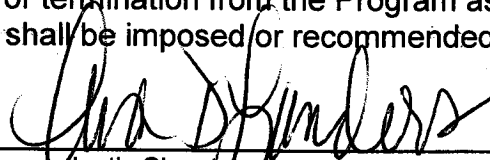
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

3/15/07  
Date

  
Respondent's Signature

AVA D. LANDERS  
Print Name

3/20/07  
Date

  
Deputy Trial Counsel's Signature

CYDNEY BATCHELOR  
Print Name

(Do not write above this line.)

In the Matter Of  AVA D. LANDERS	Case Number(s):  06-O-12776-PEM
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**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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

May 21, 2007  
Date

Pat McElroy  
Judge of the State Bar Court