

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles		
<p>Counsel For The State Bar</p> <p>Eli D. Morgenstern, DTC Office of the Chief Trial Counsel 1149 S. Hill Street Los Angeles CA 90015 Tel: (213) 765-1334</p> <p>Bar # 190560</p>	<p>Case Number (s) 08-O-10543; 08-O-13112; 08-O-13620; 09-H-18783</p> <p style="text-align: center; font-size: 1.2em;">PUBLIC MATTER</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 1.5em;">FILED</p> <p style="text-align: center; font-size: 1.2em;">NOV 30 2010</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Janet May Oldfield 1111 E. Tahquitz Canyon Way, Suite 121 Palm Springs, CA 92262 Tel: (760) 778-1761</p> <p>Bar # 80488</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Janet May Oldfield</p> <p>Bar # 80488</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 **December 19, 1994**.
- (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."



(Do not write above this line.)

- (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.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **three (3) billing cycles following the effective date of the Superior Court Order. See Page 11 for a full discussion re costs.**
(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

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 **See page 11 for a further discussion re: Prior Record of Discipline.**
 - (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.
- (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 Page 11 for further discussion re: Multiple/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. **See page 11 for further discussion re: Candor/Cooperation.**
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **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) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **two (2) years**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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 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 days, that report must be submitted on the next 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 period of probation and no later than the last day of probation.

- (5) 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 to the monitor 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 probation monitor.

(Do not write above this line.)

- (6) 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 probation conditions.
- (7) 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.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** 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. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Other Conditions:**

In the Matter of
Janet May Oldfield

Case number(s):
08-O-10543; 08-O-13112; 08-O-13620; 09-H-18783

A Member of the State Bar

Law Office Management Conditions

- a. Within **90 days/** months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within days/ months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JANET MAY OLDFIELD

CASE NUMBERS: 08-O-10543, 08-O-13112, 08-O-13620, 09-H-18783

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. 08-O-10543

Facts

1. On August 7, 2007, Robert Audell ("Audell") employed Respondent to represent him in a pending marital dissolution matter titled, *Robert A. Audell v. Donna M. Audell*, Santa Barbara County Superior Court case number 1198450 (the "Audell marital dissolution matter"). On or about August 7, 2007, Audell paid Respondent \$4,000 in advanced attorney fees, which Respondent was to bill against at the rate of \$245 per hour.

2. On November 2, 2007, the parties signed a marital settlement agreement in the Audell marital dissolution matter. On November 19, 2007, the court in the Audell dissolution matter approved the marital settlement agreement.

3. On November 19, 2007, the judgment in the Audell marital dissolution matter was entered. The marital settlement agreement was attached to it.

4. On December 6, 2007, Respondent mailed Audell conformed copies of the marital settlement agreement, the judgment, and the notice of entry of judgment (collectively, the "final documents") in the Audell marital dissolution matter. Respondent also mailed Audell a Statement of Professional Services (the "statement"). Respondent mailed the final documents and the statement to Audell's P.O. Box in La Quinta, California. Audell never received the final documents or the statement.

5. On December 8, 2007, Audell's ex-wife informed him that the judgment had been entered in the Audell marital dissolution matter.

6. On December 14, 2007, Audell mailed Respondent a letter seeking to confirm that the Audell marital dissolution matter was final. In the letter, Audell also requested an accounting and a refund of the unearned portion of the advanced attorney fees that he paid to Respondent, as well as the release of his client file. The letter was received by Respondent's office staff. Respondent did not respond to it.

7. On January 14, 2008, Audell mailed Respondent a letter via certified mail requesting a refund of the unearned portion of the advanced attorney fees that he paid to Respondent. The letter was received by Respondent's office staff. Respondent did not respond to it.

8. In October 2010, in conjunction with these disciplinary proceedings, Respondent mailed Audell a Statement of Professional Services and his file.

Conclusions of Law

By failing to respond to Audell's status inquiry in his December 14, 2007 letter, Respondent failed to respond promptly to reasonable status inquiries of a client, in willful violation of Business and Professions Code section 6068.

By failing to provide Audell with a subsequent statement to his new address until October 2010, Respondent failed to render a prompt accounting, in willful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

By failing to provide Audell with his client file until October 2010, Respondent failed to release promptly, to the client, the client file, in willful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

Case No. 08-O-13112

Facts

1. On May 21, 2002, Constance Cameron, formally Constance Parkins ("Parkins") employed Respondent to represent her in a marital dissolution titled, *Robert W. Parkins v. Constance K. Parkins*, Riverside County Superior Court case number IND 072661 (the "Parkins marital dissolution matter").

2. On September 10, 2003, the parties filed a stipulated partial judgment in the Parkins marital dissolution matter. Pursuant to the stipulated partial judgment, Parkins was entitled to one-half of her ex-husband's interest in his monthly retirement benefits from the Public Employees' Retirement System ("PERS") attributable to her ex-husband's employment during the period from the date of their marriage to the date of their separation.

3. By January 2004, Parkins's ex-husband, with his counsel's consent, had agreed to work directly with Respondent in assisting her with obtaining a Qualified Domestic Relations Order ("QDRO") regarding the division of his PERS benefits with Parkins. The proposed QDRO would require PERS to provide Parkins directly with her interest in her ex-husband's benefits.

4. On February 20, 2004, the notice of entry of judgment in Parkins marital dissolution matter was filed.

5. By no later than October 2004, Parkins moved to Toledo, Ohio. Between September 15, 2005, and January 9, 2008, Parkins spoke with Respondent on the telephone on the following dates: November 2, 2005, March 13, 2006, August 15, 2006, October 20, 2006, February 21, 2007, May 3, 2007, July 12, 2007, October 3, 2007, and January 9, 2008. Each time Respondent stated to Parkins that she was working on the QDRO.

6. At no time did Respondent prepare and file the QDRO regarding the division of the PERS benefits on behalf of Parkins in the Parkins marital dissolution.

7. On September 17, 2008, a notice of withdrawal of attorney of record was filed with the court in the Parkins marital dissolution matter removing Respondent as counsel of record on behalf of Parkins.

Conclusions of Law

By failing to prepare and file the QDRO regarding the division of the PERS benefits on behalf of Parkins in the Parkins marital dissolution, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

Case No. 08-O-13620

Facts

1. On March 20, 2007, Richard Prather ("Prather") employed Respondent to transfer title to a condominium located on Indian land in Palm Springs into his wife's irrevocable trust. On March 20, 2007, Prather paid Respondent \$675 in advanced attorney fees.
2. On March 21, 2008, Prather signed two of the three documents needed to complete the transfer of title of the condominium.
3. At no time did Respondent record the appropriate transfer documents on behalf of Prather.
4. On June 10, 2008, June 20, 2008, and July 1, 2008, attorney Peter Fels ("Fels"), on behalf of Prather, telephoned Respondent and left messages with her receptionist inquiring about the status of Respondent's work to transfer the condominium to Prather's wife's irrevocable trust (the "trust matter"). Respondent did not respond to the messages.
5. On July 1, 2008, Fels mailed a letter to Respondent on behalf of Prather inquiring about the status of the trust matter. The letter was received by Respondent's office staff. Respondent did not respond to it.
6. On July 21, 2008, Fels mailed a letter to Respondent on behalf of Prather inquiring about the status of the trust matter. The letter was received by Respondent's office staff. Respondent did not respond to the letter.
7. On July 30, 2008, Fels mailed a letter to Respondent via certified mail terminating her employment by Prather on Prather's behalf and requesting that she return Prather's client file either to Prather or to him. The letter was received by Respondent's office staff. Respondent did not respond to it or otherwise provide Prather or Fels with Prather's client file.
8. On September 29, 2010, in conjunction with these disciplinary proceedings, Respondent mailed a refund to Fels on behalf of Prather in the sum of \$700, which represented the advanced fee plus additional expenses incurred by Prather. On September 29, 2010, Respondent also returned Prather's file to Fels.

Conclusions of Law

By failing to record the appropriate transfer documents on behalf of Prather, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to respond to Fels's telephone messages and letters on behalf of Prather, 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 provide Fels with Prather's client file until September 2010, Respondent failed to release promptly, to the client, the client file, in wilful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

Case No. 09-H-18783

Facts

1. On March 17, 2008, Respondent entered into a Stipulation Re: Facts, Conclusions of Law and Disposition and Order Approving Private Repeval ("Repeval") with the Office of the Chief Trial Counsel of the State Bar of California (the "State Bar") in case number 06-O-14944.

2. On April 9, 2008, the State Bar Court filed an Order approving the Repeval and imposing a private repeval on Respondent. On April 9, 2008, the State Bar Court properly served the Order approving the Repeval on Respondent. Respondent received the Order approving the Repeval.

3. On May 9, 2008, the Repeval became effective. Pursuant to the Order approving the Repeval, Respondent was required to comply with certain conditions of the Repeval for a period of one year.

4. As a condition of the Repeval, Respondent was required to submit written quarterly reports to the State Bar's Office of Probation on July 10, 2008, October 10, 2008, January 10, 2009, April 10, 2009, and a final report due on April 30, 2009.

5. Respondent did not submit the quarterly reports due on January 10, 2009, April 10, 2009, and the final report due on April 30, 2009.

6. On October 1, 2010, in conjunction with these disciplinary proceedings, Respondent submitted to the Office of Probation the quarterly reports due on January 10, 2009, April 10, 2009, and the final report due on April 30, 2009. With the filing of these reports, Respondent satisfied all of the conditions attached to the Repeval.

Conclusions of Law

By failing to file timely the quarterly reports due on January 10, 2009, April 10, 2009, and April 30, 2009, Respondent failed to comply with conditions attached to a repeval, in wilful violation of Rule 1-110 of the Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to on page 1, paragraph A(7), was October 22, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 22, 2010, the prosecution costs in this matter are \$3,945. The costs are to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Supreme Court Order.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AGGRAVATING CIRCUMSTANCES.

1. Prior Discipline

Respondent has been discipline on one prior occasion. A prior record of discipline is an aggravating circumstance. (Std. 1.2(b)(i).)

On April 9, 2008, Respondent was privately reprovved in Case No. 06-O-14944. The reprovval became effective on May 9, 2008.

The discipline resulted from Respondent's stipulation in State Bar Court to having failed to adequately respond to a client's status inquiry in wilful violation of Business and Professions Code section 6068(m). The misconduct occurred in 2006.

2. Multiple Acts of Misconduct

Respondent committed misconduct in three different client matters. Respondent also failed to comply with the conditions attached to a reprovval. Respondent's multiple acts of misconduct are an aggravating circumstance. (Std. 1.2(b)(ii).)

MITIGATING CIRCUMSTANCES.

1. Candor and Cooperation

Respondent is entitled to mitigation for entering into this stipulation. (Std. 1.2(e)(v).)

OTHER FACTORS IN CONSIDERATION.

Although Respondent accepts full responsibility for the misconduct committed in the instant matters, Respondent has represented to the State Bar that Respondent's failure to adequately communicate with the complainants herein was partially attributable to inadequate office staff. Respondent has further represented to the State Bar that she has addressed this issue, and now employs competent support staff.

Respondent seeks to acknowledge the importance of proper law office management by accepting the Law Office Management Condition attached to this stipulation.

AUTHORITIES SUPPORTING DISCIPLINE

1. Standards

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct ("Standards") "The primary purposes of disciplinary proceedings . . . are the protection of the public, the courts[,] and the legal profession; the maintenance of high professional standards by attorneys[;] and the preservation of public confidence in the legal profession."

Standard 1.7(a) provides that if discipline has been imposed on a member on one prior occasion, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

The parties submit that there is no justification for departure from Standard 1.7(a) in the instant proceeding.

Standards 2.2(b), 2.4(b), 2.6(a), and 2.9 apply to this proceeding.

Standard 2.2(b) provides that a violation of rule 4-100(B)(3) shall result in a three month actual suspension.

Standard 2.4(b) provides, in pertinent part, that: "Culpability of a member of willfully failing to perform services in an individual matter . . . shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

Standard 2.6(a) provides, in pertinent part, that culpability of a member of a violation of Business and Professions Code section 6068(m) shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim.

2. Case Law

Under case law, a failure to render appropriate accountings for client funds has resulted in discipline in the range of stayed suspension to 60-days actual suspension. (See, In the Matter of Fonte

(Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 751 [60-day actual suspension for failure to account for fees and conflicts in two client matters where attorney had 25 years with no discipline]; *In the Matter of Cacioppo* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 128 [six-month stayed suspension for failure to render a proper accounting of settlement funds and failing to communicate, where attorney had prior public reproof]; and *In the Matter of Lazarus* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 387 [two-month stayed suspension for failure to notify client of receipt of settlement funds and failure to render an accounting of settlement funds].)

In *In the Matter of Posthuma* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 813, 818 the attorney had been privately reproofed in an earlier criminal conviction referral proceeding following his conviction of misdemeanor sexual battery. As a condition of his reproof, the attorney was required to take and pass the CPRE. (*Id.* at p. 816.) The attorney failed to comply with this condition before the expiration of the extended deadline. (*Id.* at p. 817.) The Review Department found that there were no mitigating circumstances and one aggravating circumstance: the attorney's prior record of discipline. (*Id.* at pp. 820-821.)

The Review Department held that the appropriate level of discipline was a public reproof. (*Id.* at p. 822.) The Review Department did not apply Standard 2.9, because the Court determined that suspension would have been excessive in light of the attorney's participation in the proceeding, and acknowledgment, albeit begrudgingly, of his obligation to comply with State Bar Court orders. (*Id.*)

Considering the facts and circumstances surrounding Respondent's misconduct, and the aggravating and mitigating circumstances that are present, the parties submit that the intent and goals of the Standards are met in these matters by the imposition of a two year stayed suspension, and two years probation.

STATE BAR ETHICS SCHOOL.

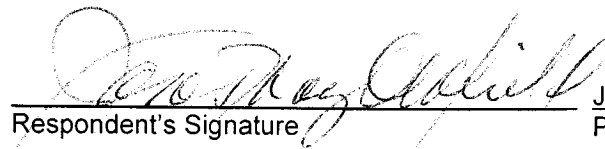
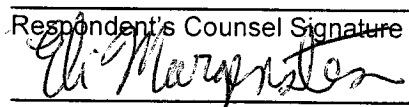
Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, she may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of Janet May Oldfield	Case number(s): 08-O-10543; 08-O-13112; 08-O-13620; 09-H-18783
--	---

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>11-10-10</u> Date	 Respondent's Signature	JANET MAY OLDFIELD Print Name
<u>11-15-10</u> Date	 Respondent's Counsel Signature	Print Name
	Deputy Trial Counsel's Signature	ELI D. MORGENSTERN, DTC. Print Name

(Do not write above this line.)

In the Matter Of
Janet May Oldfield

Case Number(s):
08-O-10543; 08-O-13112; 08-O-13620; 09-H-18783

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates 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 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

11-30-10

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 November 30, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

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

JANET MAY OLDFIELD
1111 E TAHQUITZ CYN WAY
STE 121
PALM SPRINGS, CA 92262

- by certified mail, No. _____, with return receipt requested, through the United States Postal Service at _____, California, addressed as follows:

- by overnight mail at _____, California, addressed as follows:

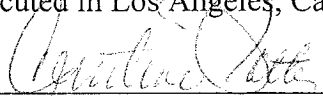
- by fax transmission, at fax number _____. No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

- 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 November 30, 2010.



Cristina Potter
Case Administrator
State Bar Court