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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
Counsel For The State Bar Lara Bairamian Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1338 Bar # 253056	Case Number(s): 12-H-13800-DFM	For Court use only PUBLIC MATTER FILED JAN 25 2013 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent Paul J. Virgo Century Law Group 5200 West Century Blvd., Suite 345 Los Angeles, CA 90045 (310) 642-6900 Bar # 67900	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION ☐ PREVIOUS STIPULATION REJECTED	
In the Matter of: Mary Dee Samn Rickards Bar # 132414 A Member of the State Bar of California (Respondent)		

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 11, 1987.
- (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 11 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 are added to membership fee for calendar year following effective date of discipline.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: two (2) billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are 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 10-O-08741 and 11-O-10033.
 - (b) ☒ Date prior discipline effective February 8, 2011.
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct 3-110(A) and Business and Professions Code section 6068(j).
 - (d) ☒ Degree of prior discipline Private Reprimand.
 - (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.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances

N/A

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.
- (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.

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- (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 attachment at pages 8-9.

D. Discipline:

(1) ☒ Stayed Suspension:

- (a) ☒ Respondent must be suspended from the practice of law for a period of one (1) year.
- 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 one (1) year, 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.

- (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: Respondent attended Ethics School on June 14, 2012, and passed the test given at the end of the session .
- (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:
- | | |
|---|---|
| ☐ Substance Abuse Conditions | ☐ Law Office Management Conditions |
| ☐ Medical Conditions | ☐ 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 5.162(A) & (E), Rules of Procedure.**
- ☒ No MPRE recommended. Reason: Respondent took and passed the MPRE on August 10, 2012 in compliance with State Bar Case Nos. 10-O-08741 and 11-O-10033.
- (2) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Mary Dee Samn Rickards

CASE NUMBER(S): 12-H-13800

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/or Rules of Professional Conduct.

Case No. 12-H-13800

FACTS:

1. On January 18, 2011, the Hearing Department of the State Bar Court of California filed an order in case numbers 10-O-08741 and 11-O-10033 imposing a private reproof on Respondent.
2. As a condition of the private reproof, Respondent was required to 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.
3. Respondent failed to timely submit the July 10, 2011 quarterly report. On August 29, 2011, Respondent submitted the July 10, 2011 quarterly report.
4. Respondent failed to timely submit the October 10, 2011 quarterly report. On October 14, 2011, Respondent submitted the October 10, 2011 quarterly report.
5. Respondent failed to timely submit the January 10, 2012 quarterly report. On January 11, 2012, Respondent submitted the January 10, 2012 quarterly report with the Office of Probation, but the report was defective. Respondent failed to identify the reporting period in the report. On January 13, 2012, Respondent resubmitted the January 10, 2012 quarterly report.
6. As a condition of the reproof, Respondent was required to submit to the Office of Probation a final report no later than the last day of the reproof or February 8, 2012. Respondent submitted the final report to the Office of Probation on April 2, 2012, but the report was defective. Respondent did not identify the correct reporting period in the report. On April 11, 2012, Respondent resubmitted the final report.
7. As a condition of the reproof, Respondent was required to provide to the Office of Probation satisfactory proof of attendance at a session of Ethics School, and the passage of the test given at the end of that session, within one (1) year of the effective date of the Reproof Order or February 8, 2012. Respondent did not attend and pass Ethics School until June 14, 2012.

8. As a condition of the reproof, Respondent was required to 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 (1) year of the effective date of the Reproof Order or January 26, 2012. Respondent did not pass the MPRE or provide proof of passage to the Office of Probation within one (1) year. Respondent did take the MPRE on August 10, 2012 and obtained a passing score.

CONCLUSIONS OF LAW:

9. By failing to timely submit three (3) quarterly reports to the Office of Probation, failing to timely submit the final report to the Office of Probation, failing to attend and pass Ethics School within one (1) year of the effective date of the Reproof Order and failing to take and pass the MPRE within one (1) year of the effective date of the Reproof Order, Respondent failed to comply with conditions attached to the private reproof in wilful violation of rule 1-110 of the Rules of Professional Conduct.

ADDITIONAL FACTS RE PRIOR RECORD OF DISCIPLINE.

In State Bar case no. 10-O-08741, Respondent was disciplined after stipulating to one count of misconduct in a single client matter in violation of Rules of Professional Conduct rule 3-110(A).

In State Bar case no. 11-O-10033, Respondent was disciplined after stipulating to two counts of misconduct in a single client matter in violation of Rules of Professional Conduct rule 3-110(A) and Business and Professions Code sections 6068(j).

Respondent received a private reproof in case nos. 10-O-08741 and 11-O-10033, effective February 8, 2011.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Pre-trial Stipulation. Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial in case no. 12-H-13800, thereby saving the State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-94.)

Civic Service. On a pro bono basis, Respondent agreed to represent a petitioner in a family law matter involving sexual molestation of a minor by the paternal grandfather. Respondent also runs a volunteer animal rescue operation. Civic service and charitable work can be mitigation as evidence of good character. (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359. *Porter v. State Bar* (1990) 52 Cal.3d 518, 529.)

Personal Problems. During the period of misconduct, Respondent's father passed away. Respondent moved from Northern California to Southern California to care for her mother, who was suffering from severe, long-term medical conditions requiring Respondent's constant attention. In addition, Respondent's husband underwent two knee surgeries. Respondent cared for her husband prior to the surgeries and through the recovery period. Marital and other stressful emotional difficulties may be considered in mitigation. (*Rose v. State Bar* (1989) 49 Cal.3d 646, 667.) Such difficulties mitigate an attorney's misconduct when they occur at the same time as the misconduct, although they deserve less

weight if the attorney does not show their role in the misconduct and if expert testimony does not establish a nexus between them and the misconduct. (*In the Matter of Ward*. (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47, 59-60.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a “process of fixing discipline” pursuant to a set of written principles to “better discharge the purposes of attorney discipline as announced by the Supreme Court.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed 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.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

The most severe sanction applicable to Respondent’s misconduct is found in standard 2.9, which applies to Respondent’s violation(s) of Rules of Professional Conduct, rule 1-110.

Standard 2.9 provides that culpability of a member of a willful violation of rule 1-110, Rules of Professional Conduct, shall result in suspension.

Although untimely, Respondent made efforts to satisfy the terms of her reproof. Respondent belatedly submitted all written quarterly reports, the final report, attended and passed Ethics School, and took and passed the MPRE. Respondent’s personal problems impacted her ability to timely comply with the terms of her reproof. Respondent participated in the proceedings and agreed to enter into a full stipulation prior to trial. Considering all of these factors, progressive discipline is warranted, but actual suspension is not necessary to fulfill the purposes of discipline. Based on the above-described standards, a one (1) year stayed suspension accompanied by a one (1) year probationary period serves the purpose of State Bar discipline.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was January 10, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

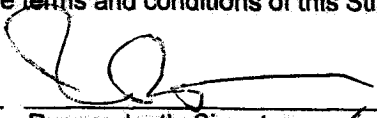
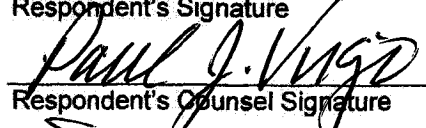
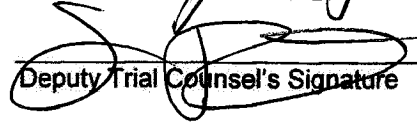
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 10, 2013, the prosecution costs in this matter are \$5,305. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: Mary Dee Samn Rickards	Case number(s): 12-H-13800
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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, Conclusions of Law, and Disposition.

<u>1-13-13</u> Date	 Respondent's Signature	<u>Mary Dee Samn Rickards</u> Print Name
<u>1/14/13</u> Date	 Respondent's Counsel Signature	<u>Paul J. Virgo</u> Print Name
<u>1/14/13</u> Date	 Deputy Trial Counsel's Signature	<u>Lara Bairamian</u> Print Name

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In the Matter of: Mary Dee Samn Rickards	Case Number(s): 12-H-13800
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STAYED SUSPENSION ORDER

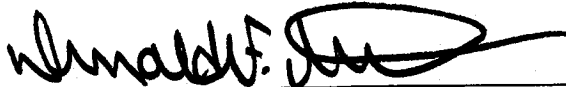
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ 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 5.58(E) & (F), 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

1/25/13



DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 January 25, 2013, 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:

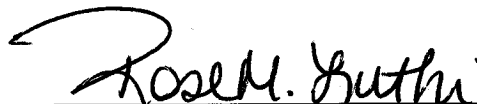
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PAUL JEAN VIRGO
9909 TOPANGA BLVD # 282
CHATSWORTH, CA 91311

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

LARA BAIRAMIAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 25, 2013.



Rose M. Luthi
Case Administrator
State Bar Court