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**PUBLIC MATTER**

**State Bar Court of California  
Hearing Department  
Los Angeles  
ACTUAL SUSPENSION**

**ORIGINAL**

<p>Counsel For The State Bar</p> <p><b>Adriana M. Burger</b> Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1229</p> <p>Bar # <b>92534</b></p>	<p>Case Number(s): 13-O-11569 14-O-00588 14-O-01463 14-O-05367 15-O-10296</p>	<p>For Court use only</p> <p><b>FILED</b></p> <p>SEP 03 2015 </p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>Catalina Loreda Manzano</b> P.O. Box 802332 Santa Clarita, CA 91380 (310) 488-8635</p> <p>Bar # <b>191928</b></p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>Catalina Loreda Manzano</b></p> <p>Bar # <b>191928</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 **December 4, 1997**.
- (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 **19** 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."

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- (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):
  - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
  - (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)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7)  **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.

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- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. Please see Attachment to Stipulation, at page 15.
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution. Please see attachment to stipulation, at page 15.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. 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 likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 with a good faith belief that was honestly held and objectively reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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- (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 extraordinarily 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:**

**Pre-Trial Stipulation: Please see Attachment to Stipulation, at page 15.**

**No Prior Discipline: Please see Attachment to Stipulation, at page 15.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **one-year**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) 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:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **six-months**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), 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:

**Pays in full the sanctions ordered on August 24, 2012, in the amount of \$250, and February 22, 2013, in the amount of \$750, in *Karim Gabriela- Aguilar v. Alejandro Vega*, Kern County Superior Court Case No. S-1500CV-275340, and provide satisfactory proof of compliance to the Office of Probation of the State Bar of California.**

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, 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 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.

- (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 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.
- (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 probation conditions.

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- (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)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" 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 during the period of actual suspension or within one year, whichever period is longer. **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:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

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In the Matter of: <b>Catalina Loreda Manzano</b>	Case Number(s): <b>13-O-11569</b> <b>14-O-00588</b> <b>14-O-01463</b> <b>14-O-05367</b> <b>15-O-10296</b>
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Denise Sales	\$2,500.00	April 2, 2014
Adrian Perez	\$1,500.00	May 27, 2014

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.



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

IN THE MATTER OF:                    CATALINA LOREDO MANZANO

CASE NUMBERS:                    13-O-11569  
   14-O-00588  
   14-O-01463  
   14-O-05367  
   15-O-10296

**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. 13-O-11569 (State Bar Investigation)**

**FACTS:**

1. On December 8, 2011, Alejandro Vega employed respondent to represent Vega, a defendant in a civil matter entitled *Karim Gabriela Aguire v. Alejandro Vega*, Kern County Superior Court, case no. S-1500CV-275340, which had been filed by plaintiff Aguire, in pro per, on December 2, 2011. The complaint was a dismissed by the court, on the court's own motion, because it failed to state any cause of action.
2. On January 11, 2012, the plaintiff filed a first amended complaint in the above referenced action.
3. On March 28, 2012, plaintiff filed a request to enter default against defendant Vega.
4. On May 4, 2012, respondent filed and served defendant Vega's motion to set aside the default.
5. On May 4, 2012, the court set the case management conference and hearing regarding the motion to set aside the default, for May 31, 2012. Respondent received notice of the court order.
6. On May 31, 2012, respondent failed to appear for the case management conference and the hearing regarding the motion to set aside the default. The court issued an order dated June 4, 2012, requiring the parties to appear in court on July 2, 2012, for the case management conference and hearing on the motion to set aside default. In the same order, the court also issued an order to show cause to respondent regarding respondent's failure to personally appear in court on May 31, 2012. In the order dated June 4, 2012, the court stated that respondent was ordered to personally appear at the hearing on July 2, 2012. Respondent received notice of the court order.

7. Respondent failed to personally appear at the court hearing on July 2, 2012 and instead respondent sent a special appearance counsel to appear in court for respondent and Vega. At the hearing, the court granted defendant Vega's request to set aside the default, and also ordered that respondent file an answer no later than July 9, 2012. In the same order, the court issued an order for respondent to personally appear in court on August 24, 2012, for the case management conference and the order to show cause regarding respondent's failure to appear at the case management conference on May 31, 2012, and failure to appear in court on July 2, 2012. Respondent received notice of the court order.

8. On July 9, 2012, respondent filed with the court the answer and a revised summons.

9. On August 24, 2012, respondent failed to personally appear at the order to show cause hearing regarding the respondent's failure to appear in court on May 31, 2012 and July 2, 2012, which had been previously set and properly noticed by the court. Respondent sent a special appearance counsel to appear on behalf of Vega and respondent. On August 24, 2012, the court sanctioned respondent in the amount of \$250, to be paid to the court, within ten days, for failing to personally appear, as ordered to do so, on May 31, 2012 and July 2, 2012. The court also set the mandatory settlement conference date for January 11, 2013, and the trial for February 11, 2013. Respondent received notice of the court order.

10. On January 11, 2013, the court convened the mandatory settlement conference. Respondent was not present in court. The court continued the mandatory settlement conference to January 25, 2013. The court also ordered that respondent appear on January 25, 2013, for an order to show cause hearing as to why a sanction in the amount of \$750 should not be imposed against respondent for failing to appear at the mandatory settlement conference on January 11, 2013. Respondent received notice of the court order.

11. On January 25, 2013, plaintiff and defendant Vega appeared in court for the mandatory settlement conference. Respondent did not appear. The court issued an order against respondent requiring that respondent personally appear for an order to show cause hearing as to why sanctions in the amount of \$750 should not be imposed for respondent's failure to personally appear at the mandatory settlement conference and scheduled the hearing for February 11, 2013. On January 25, 2013, the court also ordered the parties and respondent to personally appear at a court hearing on February 11, 2013 for the mandatory settlement conference and immediately following, if necessary, the trial. Respondent received notice of the court orders.

12. On February 11, 2013, respondent failed to personally appear at the court hearing and sent a special appearance counsel to appear on her behalf. The court continued the matter to February 13, 2013, and ordered that if respondent is unable to appear that she provide the court with a physician's note indicating that respondent is ill and unable to attend court. The court also ordered that respondent provide the court with future dates that respondent will be available to appear in court.

13. On February 13, 2013, the respondent did not appear and the court continued the hearing to February 15, 2013. The court telephoned respondent and left a message on her voice mail ordering respondent to appear on February 15, 2013, or be in contempt of court. On February 15, 2013, respondent did not personally appear in court and instead sent a special appearance counsel to appear on behalf of respondent. The court continued the matter to February 20, 2013.

14. On February 20, 2013, respondent telephoned the court that she was delayed due to snow conditions on the "Grapevine" highway. Respondent appeared in court later that morning and respondent participated in the mandatory settlement conference. The parties were unable to resolve the matter. The matter was later called for trial. Respondent was relieved from representing the defendant, Vega, at Vega's request. On February 22, 2013, the court issued its order and decisions regarding the order to show cause as to why sanctions should not be imposed on respondent. The court sanctioned respondent in the amount of \$750 to be paid to the court, and ordered that the sanction be reported to the State Bar. Respondent received notice of the order.

15. Respondent has not paid the sanctions issued on August 24, 2012, in the amount of \$250 and the sanction issued on February 22, 2013, in the amount of \$750.

16. On March 28, 2013, in case no. 13-O-11569, a State Bar Investigation was opened to investigate allegations of misconduct by respondent.

17. On April 30, 2013, the State Bar investigator sent respondent a letter addressed to respondent's official membership address, requesting respondent's response to the allegations of misconduct being investigated in case number 13-O-11569. Respondent received the letter.

18. On May 9, 2013, the State Bar investigator emailed respondent a copy of the investigator's letter dated April 30, 2013, to respondent's membership record email address. Respondent received the email.

19. Respondent failed to provide any substantive response to the State Bar investigator's letter dated April 30, 2013, or the email sent to respondent on May 9, 2013.

#### CONCLUSIONS OF LAW:

20. By failing to comply with court orders issued on: May 31, 2012, July 2, 2012, August 24, 2012, January 11, 2013, January 25, 2013, and February 22, 2013, respondent disobeyed or violated orders of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear, in violation of Business and Professions Code Section 6103.

21. By failing to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letter of April 30, 2013, and email dated May 9, 2013, which respondent received, regarding the investigation in case no. 13-O-11569, Respondent willfully violated Business and Professions Code, section 6068(i)

#### Case No. 14-O-00588 (Denise Sales)

#### FACTS:

22. On August 13, 2013, Denise Sales employed respondent to represent her in a wrongful termination claim against her employer. At this time, Sales paid respondent an advanced fee of \$2,500.

23. Respondent failed to file a complaint on behalf of Sales, or perform any legal services related to the wrongful termination claim on behalf of Sales.

24. On February 7, 2014, in case no. 14-O-00588, pursuant to a State Bar complaint by Sales, the State Bar opened an investigation in regard to allegations of misconduct by respondent.

25. On March 11, 2014, the State Bar investigator sent respondent a letter addressed to respondent's official membership address, requesting respondent's response to the allegations of misconduct being investigated in case number 13-O-11569. Respondent received the letter.

26. On April 2, 2014, Denise Sales terminated respondent for failing to perform any legal services related to her wrongful termination claim and requested respondent refund the \$2,500 attorney fees.

27. Respondent failed to refund, any part of the \$2,500 fee.

28. Respondent failed to provide a substantive response to the State Bar's letter dated March 11, 2014.

#### CONCLUSIONS OF LAW:

29. By failing to file a complaint for the wrongful termination claim, on behalf of the client or otherwise perform any legal services on behalf of the client, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

30. By failing to file a complaint for wrongful termination, or perform any legal services on behalf of the client, and by failing to promptly refund any part of the \$2,500 unearned fee, upon respondent's termination of employment on April 2, 2014, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

31. By failing to provide a substantive response to the State Bar's letter of March 11, 2014, which respondent received, regarding the investigation in case no. 14-O-00588, Respondent willfully failed to cooperate and participate in a disciplinary investigation pending against Respondent in violation of Business and Professions Code, section 6068(i).

#### Case No. 14-O-01463 (Adrian Perez)

#### FACTS:

32. On March 15, 2013, Adrian Perez employed respondent to represent him in a wrongful termination action, against Perez's former employer, based upon discrimination. The terms of the written contingency fee agreement were that respondent would work on Perez's claim for discrimination and complete preliminary legal work not to exceed a three-month period. After the three month time period had expired, the parties would have to enter into a new employment agreement.

33. On March 15, 2013, respondent prepared and filed a complaint, on behalf of Perez, regarding the allegations of discrimination, with the Department of Fair Employment and Housing (DFEH). In June 2013, Perez received a Right to Sue Letter from DFEH, dated June 11, 2013, and was thereafter

permitted, under statute and within the applicable statute of limitation, to file his complaint with the Superior Court.

34. On August 14, 2013, Perez entered into a new employment retainer agreement with respondent. In this agreement, Perez employed respondent to file the lawsuit in the wrongful termination matter. Perez paid respondent an advanced fee of \$1,500.

35. On August 14, 2013, respondent advised Perez that the statute of limitations for filing suit was April 9, 2014, and that respondent would contact Adrian Perez prior to April 9, 2014, to obtain Perez's signature for the complaint, and file the complaint in the Superior Court.

36. Between August 15, 2013 and May 27, 2014, Perez attempted to contact respondent approximately six times by telephone, to find out the status of his complaint and to find out when he was to meet with respondent to sign the complaint. Perez left messages with respondent's office staff and did not receive any replies from respondent.

37. On May 27, 2014, Perez sent respondent a certified letter which requested that respondent inform Perez whether or not respondent was going to file the complaint on his behalf or refund his \$1,500 advanced fees paid to respondent. Respondent received the letter. Respondent did not respond to the letter sent by Perez to respondent on May 27, 2014.

38. On August 9, 2014, because Perez had not heard from respondent and had no assurances from respondent that respondent would file his complaint, Perez filed his own complaint (in Pro Per) with the court entitled *Adrian Perez vs. Michael Agyoure*, Orange County Superior Court case number 30-2014-007151135.

39. On August 27, 2014, the defendant filed a demurrer to Perez's complaint on the grounds that Perez's cause of action was barred by the statute of limitations. On September 10, 2014, the court sustained defendant's demurrer, without leave to amend, and ordered the entire action dismissed.

#### CONCLUSIONS OF LAW:

40. By failing to file a wrongful termination complaint on behalf of the client or otherwise take any action to pursue the client's claims by the April 9, 2014 statute of limitation, or seek any relief prior to termination on May 27, 2014, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

41. By failing to respond promptly to six telephone calls regarding reasonable status inquiries made by respondent's client, between August 14, 2013 and May 27, 2014, which respondent received in a matter in which respondent had agreed to provide legal services, respondent willfully failed to respond to client inquiries, in violation of Business and Professions Code, section 6068(m).

42. By failing file a wrongful termination complaint or perform any legal services for the client, and by failing to refund promptly, upon respondent's termination of employment on or about May 27, 2014, any part of the \$1,500 unearned fee to the client, respondent wilfully failed to refund unearned fees in violation of Rules of Professional Conduct, rule 3-700(D)(2).

43. By failing to render an appropriate accounting to the client regarding funds paid to respondent, upon the termination of respondent's employment on or about May 27, 2014, respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 14-O-05367 (State Bar Investigation)

FACTS:

44. On July 17, 2014, respondent opened a Client Trust Account (#\*\*\*\*\*2776) at Wells Fargo Bank. The opening balance was \$1,000.

45. On September 16, 2014, respondent's Client Trust Account had a balance of \$14.78.

46. On September 16, 2014, respondent issued two electronic checks, against insufficient funds, to Dish Network in the amount of \$101.40 and the Southern California Edison Company in the amount of \$267.00. The bank returned both payments as unpaid due to insufficient funds. These two payments were for her personal expenses and not related to any client.

CONCLUSIONS OF LAW:

47. By issuing two checks from funds in respondent's client trust account, for the payment of personal expenses, respondent commingled personal funds with the client trust account and willfully violated Rules of Professional Conduct, rule 4-100(A).

48. By issuing two checks drawn upon respondent's client trust account when respondent knew that there were insufficient funds in the Client Trust Account to pay them, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

Case No. 15-O-10296 (State Bar Investigation)

FACTS:

49. On December 4, 2014, respondent's Client Trust Account (#\*\*\*\*\*2776) at Wells Fargo Bank had a balance of \$57.48.

50. On December 4, 2014, respondent electronically issued payments to Dish Network in the amount of \$20 and Verizon Wireless in the amount of \$236.93, against insufficient funds. These two payments were for her personal expenses and not related to any client.

CONCLUSIONS OF LAW:

51. By issuing two checks from funds in respondent's client trust account, for the payment of personal expenses, respondent commingled personal funds with the client trust account and willfully violated Rules of Professional Conduct, rule 4-100(A).

52. By issuing two checks drawn upon respondent's client trust account when respondent knew that there were insufficient funds in the Client Trust Account to pay them, respondent committed an act

involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

#### **AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent is culpable of multiple acts of misconduct including, failure to promptly respond to reasonable client inquiries, failure to comply with valid court orders, failure to perform with competence, failure to return unearned fees, failure to render an accounting of fees to a client after termination, commingling personal funds in the client trust account and issuing payments from the client trust account against insufficient funds.

**Failure to Make Restitution (Std. 1.5(i)):** As of the present date, respondent has failed to refund any of the unearned attorney fees to the two clients in case nos. 14-O-00588 and 14-O-01463 and has also failed to pay the outstanding sanctions in case no. 13-O-11569. (*In the Matter of Bowyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404, 417 [failure to make restitution to a client is an aggravating factor] ).

#### **MITIGATING CIRCUMSTANCES.**

##### **No Prior Record of Discipline**

Respondent has been in practice since 1997, 18 years. Respondent was in practice for 15 years prior to the misconduct in these matters. Respondent has no prior record of discipline. Respondent would be entitled to mitigation even though her current misconduct is serious under the case entitled *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596. Hawes was entitled to receive significant mitigation after Hawes had been practicing for over 10 years without any prior discipline. Respondent's 15 years of discipline-free practice prior to the present misconduct will entitle her to significant mitigation.

##### **Pre-Trial Stipulation:**

Respondent agreed to enter a disciplinary stipulation, and is entitled to mitigating credit for saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigating credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521). This mitigation is tempered by respondent's failure to cooperate in the State Bar investigations in two matters.

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silverton* (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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In case nos. 14-O-05367 and 15-O-10296, during the period between September 16, 2014 and December 4, 2014, respondent violated Rules of Professional Conduct, rule 4-100(A) by commingling respondent’s personal funds in respondent’s Client Trust Account in order to pay personal expenses and Business and Professions Code section 6106, moral turpitude, by issuing four payments for personal expenses when there were insufficient funds in the account to pay the payments.

In case no. 13-O-11569, respondent violated Business and Professions Code section 6103 between January 2012 and February 2013, by failing to obey six court orders to appear at court hearings; and by failing to pay two court ordered sanctions in the amount of \$250 and \$750 in one family law matter. Additionally, in the same case, respondent violated Business and Professions Code section 6068(i) by failing to cooperate in the State Bar investigation of this matter.

In case no. 14-O-00588, between the period of August 2013 and April 2014, respondent violated Business and Professions Code 3-110(A) by failing to perform with competence in a wrongful termination case; violated Business and Professions Code 3-700(D)(2) by failing to return unearned fees in the amount of \$2,500, and violated Business and Professions Code section 6068(i) by failing to cooperate in the State Bar investigation of this matter.

In case no. 14-O-01463, respondent violated Rules of Professional Conduct, rule 3-110(A) Failure to perform with competence; Business and Professions Code section 6068(m) Failure to promptly respond to reasonable client inquiries; Rules of Professional Conduct rule 3-700(D)(2) Failure to return unearned fees; and, Rules of Professional Conduct rule 4-100(B)(3) Failure to render an accounting of fees to the client after being terminated by the client. These violations took place between August 2013 and May 2014.

Standard 1.7(a) provides that “[i]f a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most serious misconduct in these five matters, is that respondent issued four payments against insufficient funds from respondent’s client trust account, violating Business and Professions Code section 6106. Standard 2.11 is the applicable standard for a violation of Business and Professions Code



section 6106 and states that disbarment or actual suspension is the presumed sanction for this violation. Standard 2.11 states in part "...[t]he degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim, which may include the adjudicator, the impact on the administration of justice, if any; and the extent to which the misconduct related to the member's practice of law."

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In aggravation, respondent committed multiple acts of misconduct in the five matters. Respondent failed to perform competently and failed to respond to reasonable client inquiries in the two client matters. In two of the client matters, respondent has failed to refund any of the unearned attorney fees to the clients in case nos. 14-O-00588 and 14-O-01463. Respondent has also failed to pay the two outstanding sanctions in the amounts of \$250 and \$750, in case no. 13-O-11569. In case nos. 14-O-05367 and 15-O-10296, respondent misused her client trust account by issuing payments for her personal expenses from her client trust account. Respondent issued two electronic check payments totaling \$368.40 on September 16, 2014, which were returned by respondent's bank due to insufficient funds in the Respondent's client trust account. Subsequently on December 4, 2014, respondent issued two electronic payments from respondent's client trust account totaling \$256.93, against insufficient funds.

Respondent's issuance of four checks against insufficient funds, from respondent's client trust account, constitutes moral turpitude and undermine the purpose of the client trust account which is to safeguard and isolate client funds. "When NSF checks are drawn against a client trust account, the attorney's conduct is potentially more damaging. First, by using trust account checks to pay personal debts, the attorney cloaks the transaction with the care and soundness represented by the account and its relationship to the confidential bond between attorney and client. Trading on the "aura" of the trust account, the attorney seeks to offer the check recipient added assurance as to the validity of the instrument." *In the Matter of Heiser* (Review Dept. 1990) 1 Cal State Bar Ct. Rptr. 47, 54. The Supreme Court has repeatedly warned that issuing checks with insufficient funds violates "the fundamental rule of [legal] ethics -- that of common honesty -- without which the profession is worse than valueless in the place it holds in the administration of justice." (*Bowles v. State Bar* (1989) 48 Cal.3d 100, 109; *Segal v. State Bar* (1988) 44 Cal.3d 1077, 1088; *Bambic v. State Bar* (1985) 40 Cal.3d 314, 324.)

Respondent has over 15 years of discipline free practice prior to the misconduct. Respondent is also entitled to significant mitigation even though her current misconduct is serious under the case entitled *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596. Hawes was entitled to receive significant mitigation after Hawes had been practicing for over 10 years without any prior discipline. Respondent is also entitled to mitigation for entering into this stipulation prior to the trial in the five matters. In this regard, respondent recognizes her misconduct and has saved the State Bar significant time and resources. However, the mitigation is tempered by respondent's failure to cooperate in the State Bar investigation in two matters. Accordingly, for the combined five matters, a one-year suspension, stayed; two-year'

probation with conditions that respondent be actually suspended for six months, and until respondent makes restitution and pays the sanctions is appropriate in this matter.

This discipline is also supported by case law. In *Amante v. State Bar* (1990) 50 Cal.3d 247, Amante was disciplined in five client matters for failing to perform, failing to communicate, misappropriating \$60 in client funds, failing to return unearned fees, and writing two checks against insufficient funds. Amante had no mitigation. In aggravation, Amante had committed multiple acts of professional misconduct. Amante received discipline consisting of suspension from the practice of law for three years, stayed, with conditions that Amante was placed on probation for three years and actually suspended for six months. This case is similar to *Amante* which included violations in multiple client matters including failure to perform and communicate as well as trust account violations and issuing payments without sufficient funds. Unlike *Amante*, respondent has many years of practice and is entitled to significant mitigation.

Based upon the facts and circumstances surrounding respondent's misconduct, the standards and case law, a one-year suspension, stayed; two-year' probation with conditions that respondent be actually suspended for six months, and until respondent makes restitution and pays the sanctions, is appropriate in this matter, and will adequately protect the public and preserve the integrity of the legal profession.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 14, 2015, the prosecution costs in this matter are \$8,746.00. 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.

#### **EXCLUSION FROM MCLE CREDIT**

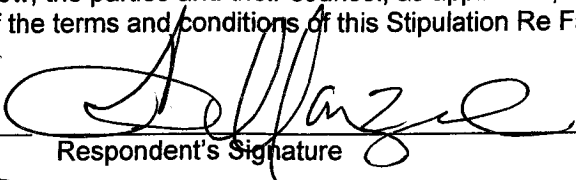
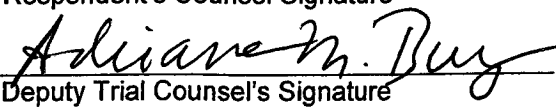
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School and State Bar Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: <b>Catalina Loreda Manzano</b>	Case number(s): <b>13-O-11569</b> <b>14-O-00588</b> <b>14-O-01463</b> <b>14-O_05367</b> <b>15-O-10296</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, Conclusions of Law, and Disposition.

<u>8-24-15</u>		Catalina Loreda Manzano
Date	Respondent's Signature	Print Name
<u>8-24-15</u>		
Date	Respondent's Counsel Signature	Print Name
<u>8-24-15</u>		Adriana M. Burger
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: Catalina Loredo Manzano	Case Number(s): 13-O-11569 14-O-00588 14-O-01463 14-O-05367 15-O-10296
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### ACTUAL 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.

See attached Modifications to Stipulation.

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.)**

September 2, 2015  
Date

Rebecca Meyer Rosenberg  
**REBECCA MEYER ROSENBERG, JUDGE PRO TEM**  
Judge of the State Bar Court

### **MODIFICATIONS TO STIPULATION**

1. On page 7 of the Stipulation, paragraph a, line 4, the following language is added: "Respondent must provide satisfactory proof of such restitution to the State Bar's Office of Probation in Los Angeles."
2. On page 11 of the Stipulation, at numbered paragraph 20, line 4, "willful" is inserted between "in" and "violation".
3. On page 12 of the Stipulation, at numbered paragraph 25, line 3, "13-O-11569" is deleted, and in its place is inserted "14-O-00588".
4. On page 13 of the Stipulation, at numbered paragraph 41, line 2, "August 14, 2013" is deleted, and in its place is inserted "August 15, 2013".
5. On page 17 of the Stipulation, paragraph 3, the second sentence is deleted, and in its place is inserted the following: "Respondent failed to perform competently in the two client matters and failed to respond to reasonable client inquiries in one client matter."

--X-X-X-

**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 September 15, 2015, 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:

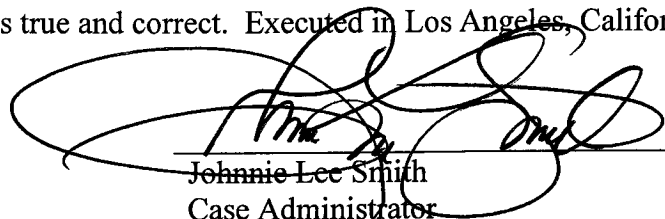
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**CATALINA L. MANZANO  
CATALINA L. MANZANO  
PO BOX 802332  
SANTA CLARITA, CA 91380**

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

**ADRIANNA BURGER** , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 15, 2015.

  
\_\_\_\_\_  
Johnnie Lee Smith  
Case Administrator  
State Bar Court