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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>			<b>PUBLIC MATTER</b>
Counsel For The State Bar  <b>Kim Kasreliovich</b> <b>Senior Trial Counsel</b> <b>State Bar of California</b> <b>845 S. Figueroa Street</b> <b>Los Angeles, CA 90017</b> <b>(213) 765-1378</b>  Bar # <b>261766</b>	Case Number(s): <b>14-O-00937, 16-O-10275,</b> <b>16-O-11701, 16-O-13774</b>	For Court use only  <b>FILED</b>  <b>FEB 16 2017</b> STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
In Pro Per Respondent  <b>Louisa B. Pensanti</b> <b>Pensanti &amp; Associates</b> <b>14431 Ventura Blvd #227</b> <b>Sherman Oaks, CA 91423</b> <b>(818) 947-7999</b>  Bar # <b>200988</b>	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: <b>LOUISA BELLE PENSANTI</b>  Bar # <b>200988</b>  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 **June 2, 1999**.
- (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."



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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: **three 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 [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 **10-O-07420**
  - (b)  Date prior discipline effective **May 16, 2013**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 3-110(A) and 3-700(D)(2) and Business and Professions Code section 6104.**
  - (d)  Degree of prior discipline **One year suspension, stayed and one year of probation.**
  - (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.

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- (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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **For a further discussion of Harm, see page 10.**
- (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. For a further discussion of Multiple Acts, see page 10.
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (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. **For a further discussion of Candor/Cooperation, see page 11.**
- (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

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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.

- (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:**

**Emotional Difficulties, page 11.**  
**Good Character, page 11.**  
**Prefiling Stipulation, page 11.**

**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 **90 days**.
- 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

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- 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:

**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.
- (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:

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- (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 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: **The protection of the public and the interests of Respondent do not require passage of the MPRE in this case. (See In the Matter of Respondent G (Review Dept. 1992) 2 Cal.State Bar Ct. Rptr. 181.) Respondent took and passed the MPRE on March 26, 2016, in compliance with a disciplinary order. (See In the Matter of Trousil (Review Dept. 1991) 1 Cal.State Bar Ct. Rptr. 229, 244.).**

- (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:**

**ATTACHMENT TO**

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

IN THE MATTER OF:    LOUISA BELLE PENSANTI

CASE NUMBERS:    14-O-00937, 16-O-10275, 16-O-11701, 16-O-13774

**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. 14-O-00937 (Complainant: Bobby Aldridge)

FACTS:

1. On October 28, 2012, Bobby D. Aldridge's family met with Respondent to discuss Aldridge's case. Between October 2012 and February 2013, Aldridge paid Respondent \$5,000 for legal services including: to reinstate his criminal appeal or, failing that, seek relief via habeas corpus.

2. Prior to hiring Respondent, Aldridge was convicted by a jury of a serious misdemeanor. Aldridge filed an appeal pro per, but it was dismissed for lack of prosecution and his request to reinstate the appeal was denied.

3. Respondent formally substituted into the underlying case on February 19, 2013, and appeared at a post-conviction progress report hearing. However, Aldridge wanted Respondent to concentrate on an appeal and having the conviction overturned. Respondent agreed and ceased representation in the progress report hearings.

4. On July 18, 2013, Aldridge emailed Respondent to inquire about his appeal. Respondent told Aldridge that his appeal could not be reinstated, but that relief could be sought via a habeas corpus petition.

5. On August 8, September 6, September 26, and October 16, Aldridge emailed Respondent to ask whether the writ had been submitted yet. Respondent replied to each email but stated she had a computer failure or was still gathering documents. Despite having the case for nearly a year, Respondent failed to file the habeas petition.

6. On December 29, 2013, Aldridge sent an email terminating Respondent's services and demanded a full refund. In response, Respondent offered to return \$2,000. Respondent's records indicated that she had earned \$3,000.

7. Respondent did not send the \$2,000 refund check until July 2014. Aldridge filed his complaint with the State Bar in January 2014. Respondent delayed approximately seven months, and after State Bar involvement, before refunding \$2,000 in unearned fees.

## CONCLUSIONS OF LAW:

8. By failing to file a writ of habeas corpus or take any other appellate action on behalf of Aldridge, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

9. By failing to refund the unearned fees of \$2,000 to Aldridge until July 2014, when Respondent's employment was terminated in December 2013, Respondent failed to refund promptly, upon Respondent's termination of employment, any part of the unearned fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

### Case No. 16-O-10275 (Complainant: Christopher Love)

## FACTS:

10. On June 12, 2014, Leonardo Lopez employed Respondent to perform legal services, namely to represent him in a criminal appeal including filing a Petition for Probable Cause (Motion to withdraw sentence/vacate sentence). Lopez paid Respondent \$3,500.

11. On September 5, 2014, Respondent substituted into Lopez's appeal in the Fourth Appellate District, case no. E061511.

12. On December 31, 2014, Respondent filed an appellant's opening brief (AOB) but on March 18, 2015, the AOB was stricken per the court's order. The court also ordered that a corrected AOB was due 30 days from March 18, 2015. Thereafter the appeal was stayed due to a related filing for a writ of mandate.

13. On October 1, 2015, the stay was lifted and the court again ordered that a corrected AOB be filed within 30 days of October 1, 2015. Respondent failed to file a corrected AOB.

14. On November 16, 2015, the California Supreme Court suspended Respondent from the practice of law due to her failure to take and pass the MPRE as ordered in case no. 10-O-07420.

15. On December 16, 2015, on the court's own motion, the court removed Respondent as counsel for Lopez and ordered appointed counsel. As reasons for removing Respondent as counsel, the court cited Respondent's failure to file an appellant's opening brief and current ineligibility to practice law which amounted to "misconduct or incompetence."

16. On December 21, 2015, Respondent wrote to the State Bar and self-reported her removal from Lopez's case for misconduct.

## CONCLUSIONS OF LAW:

17. By failing to file the corrected appellant's opening brief as ordered by the court and thereby causing the appellate court to remove Respondent as counsel of record, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).



FACTS:

18. On April 8, 2015, Jose De La Cruz hired Respondent for legal representation related to De La Cruz's criminal conviction. De La Cruz paid Respondent \$5,000 for legal representation.

19. De La Cruz was seeking assistance regarding an appeal from a criminal conviction in Los Angeles Superior Court, case no. TA110719, *People v. de la Cruz*. De La Cruz had already lost one appeal in 2012. The fee agreement with Respondent specifically states, "Review and advise only. No appellate work without new retainer. Quote for next appellate work if necessary is \$15,000."

20. De La Cruz called Respondent from prison on the following dates, requesting a status update on his case: May 27, 2015, June 19, 2015, June 23, 2015, August 13, 2015, September 9, 2015, November 2, 2015, December 2, 2015. Respondent did not respond to these inquiries.

21. On January 22, 2016, De La Cruz called for an update and staff explained to him the true scope of the retainer. De La Cruz understood and inquired as to what appellate remedies were available to him. Respondent never replied to that inquiry.

22. De La Cruz also sent Respondent letters, dated August 5, 2015, September 23, 2015, December 20, 2015, and February 9, 2016, where he asked Respondent for an update on the progress in his case. Respondent received these letters but did not respond to any of them.

23. Respondent failed to perform any legal services for De La Cruz and therefore did not earn any of the \$5,000 in advanced fees paid by De La Cruz.

24. On January 13, 2017, Respondent refunded De La Cruz's \$5,000 in advanced fees plus interest.

CONCLUSIONS OF LAW:

25. By failing to advise De La Cruz on options for appeal as called for in the fee agreement, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

26. By failing to respond to seven telephone calls and four written letters from De La Cruz between May 27, 2015 and February 9, 2016, Respondent failed to respond to reasonable status inquiries from her client, in willful violation of Business and Professions Code, section 6068(m).

27. By failing to timely refund the \$5,000 advanced fee that Respondent received from De La Cruz, which was not earned, Respondent failed to refund promptly, upon Respondent's termination of employment, any part of the unearned fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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Case No. 16-O-13774 (State Bar Investigation)

FACTS:

28. On May 25, 2016, Respondent appeared in San Bernardino County Superior Court, on behalf of the father, Rodney Smith, in a dependency proceeding, *In re R. S. Smith*, case no. J264514. The mother in the proceeding, Sylvia Hernandez, was represented by appointed counsel Stacy Wolcott. The proceeding was a juvenile custody proceeding but both the mother and father are themselves incarcerated at Patton State Hospital.

29. On May 25, 2016, while meeting with her client, Smith, Respondent stepped over to the window where Hernandez was sitting and spoke with Hernandez about the case. The deputy on duty witnessed the interaction and informed Hernandez's attorney, Wolcott.

30. When Wolcott learned that Respondent was meeting with her client privately, she immediately instructed the deputy to remove Respondent from the attorney room. Upon questioning by Wolcott, Hernandez would not reveal what was discussed.

31. Wolcott felt that Respondent had caused a breakdown in the attorney client relationship between Wolcott and Hernandez. Wolcott then asked the court to be relieved as counsel for the reasons cited above. The court granted the request and appointed new counsel.

CONCLUSIONS OF LAW:

32. By communicating with Sylvia Hernandez about Hernandez's case without the knowledge of Hernandez's lawyer, Respondent communicated with a represented party about the subject of representation without consent from that party's counsel, in willful violation of the Rules of Professional Conduct, rule 2-100(A).

**AGGRAVATING CIRCUMSTANCES.**

**Prior Record of Discipline (Std. 1.5(a)):** In State Bar case number 10-O-07420, effective May 16, 2013, Respondent stipulated to one year of suspension, stayed, and one year of probation. In a single client matter, Respondent failed to perform with competence, failed to refund unearned fees and appeared for her former client without authority. In August 2008, Respondent was hired by a criminal defendant in appellate matter and paid \$10,000 for her representation. Respondent thereafter failed to file the Appellant's Opening Brief which caused the matter to be dismissed. Respondent took no action to remedy her failure until after the client had hired new counsel in January 2010, at which time Respondent filed a motion to have the appeal reinstated without authority from the client. Additionally, Respondent did not refund the unearned fee until after disciplinary actions had been initiated.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent engaged in seven acts of misconduct in four separate cases; this constitutes multiple acts of misconduct.

**Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)):** Respondent's actions in Juvenile Dependency Court, whereby she contacted a represented party, significantly harmed the judicial system by interfering in another attorney's attorney-client relationship and thereafter the court appointed new counsel. Both clients in that case, including Ms. Hernandez, have serious mental health issues and are in far greater need of the protections of counsel than the average person.

## MITIGATING CIRCUMSTANCES.

**Candor/Cooperation (Std 1.6(e)):** On December 16, 2015, the court removed Respondent as counsel of record in the Leonardo Lopez matter (State Bar case no. 16-O-10275, above). On December 21, 2015, Respondent wrote to the State Bar and self-reported her removal from Lopez's case for misconduct. Respondent's act of self-reporting was spontaneous and occurred prior to any independent complaint regarding this case.

**Emotional Difficulties:** During the pendency of the misconduct, Respondent suffered the deaths of three people close to her. In August 2014, Respondent's mentor in the practice of law passed away. In November 2015, Respondent's mother passed away and in June 2016, Respondent's State Bar attorney, who she had previously relied upon for advice and representation, passed away as well. This series of losses effected Respondent's focus on her practice and distracted her from client responsibilities. (*In the Matter of Spaiith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511; *In re Naney* (1990) 51 Cal.3d 186, 197 [emotional problems resulting from familial problems can be mitigating circumstances when they are extreme and are directly responsible for the misconduct].)

**Good Character:** Respondent has offered an extraordinary demonstration of good character attested to by a wide range of references in the community and who are aware of the full extent of Respondent's misconduct. Without exception, each of the seven references praised Respondent's good character, and dedication to her clients and the practice of law. The references include two currently sitting judges in the Los Angeles Superior Court. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 912-913, [eight character witnesses is sufficient for mitigation]; *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 592, [three character witness, although not an extraordinary demonstration of good character, are entitled to mitigation due to their familiarity with Respondent].)

**Prefiling Stipulation:** By entering into this stipulation, Respondent has acknowledged her misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaiith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

## 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 Silvertan* (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 this matter, Respondent admits to committing seven acts of professional misconduct. Standard 1.7(a) requires that where a respondent “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 severe applicable standard in this case is Standard 2.7. Standard 2.7(b) applies to Respondent’s failures to perform in the three client matters in this case. Standard 2.7(b) states, in relevant part, “Actual suspension is the presumed sanction for performance, communication, or withdrawal violations in multiple client matters, not demonstrating habitual disregard of client interests.”

In each case Respondent failed to perform the services for which she was hired. Despite the diligent efforts of two of her clients to check on their cases and monitor Respondent’s progress, Respondent still failed to perform competently for them. Additionally, Respondent communicated with an extremely vulnerable person who Respondent knew was represented by appointed counsel.

There are several aggravating factors to consider in this matter. First, as discussed above, Respondent caused harm to the judicial system when she communicated with a represented party causing a breakdown in that party’s attorney-client relationship. Second, Respondent engaged in multiple acts of misconduct. Finally, Respondent’s prior disciplinary action, which was initiated in 2011 and effective in 2013, is a single client matter of identical misconduct. Respondent was on notice that conduct of this nature was an ethical violation and yet she repeated the same unethical behavior in the present case. This is significantly aggravating and makes a period of actual suspension appropriate.

However, in consideration of the demonstration of extraordinary good character by Respondent’s references and the personal losses she suffered during the period of misconduct, Respondent is entitled to mitigation. When balancing Respondent’s mitigation and aggravation, a 90 day actual suspension is well within the established standards and will serve the purposes of attorney discipline.

Case law also supports this level of discipline. In *King v. State Bar* (1990) 52 Cal.3d 307, in two client matters King failed to perform and abandoned his clients. He also failed to promptly return the client files and in one matter gave false assurances about the progress of the case. King provided substantial mitigation regarding his financial situation, mental health, and a lack of prior discipline. The Supreme Court imposed a three month actual suspension with four years of probation and four years of stayed suspension. The misconduct is similar to the misconduct in the present case and, like King, Respondent has made a strong mitigation showing. Therefore, a similar level of discipline to *King* is appropriate to protect the public.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of January 5, 2017, the discipline costs in this matter are \$6,405. 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 MINIMUM CONTINUING LEGAL EDUCATION (“MCLE”) CREDIT**

Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>LOUISA BELLE PENSANTI</b>	Case number(s): <b>14-O-00937, 16-O-10275, 16-O-11701, 16-O-13774</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.

January 27, 2017      Louisa B. Pensanti      Louisa B. Pensanti  
Date                      Respondent's Signature                      Print Name

1/27/17                      [Signature]                      \_\_\_\_\_  
Date                      Senior Trial Counsel's Signature                      Print Name  
Kim Kasrelovich

(Do not write above this line.)

In the Matter of:  
LOUISA BELLE PENSANTI

Case Number(s):  
14-O-00937, 16-O-10275, 16-O-11701,  
16-O-13774

### 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.

Page 6, Condition F, delete the "X" in the box next to "No MPRE recommended" and all text following "Reason:".

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

February 15, 2017

  
YVETTE D. ROLAND  
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 February 16, 2017, 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:

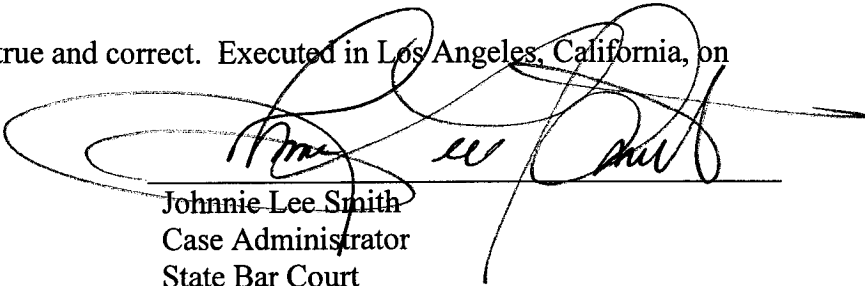
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**LOUISA B. PENSANTI  
PENSANTI & ASSOCIATES  
14431 VENTURA BLVD #227  
SHERMAN OAKS, CA 91423**

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

**KIMBERLY G. KASRELIOVICH, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 16, 2017.



Johnnie Lee Smith  
Case Administrator  
State Bar Court