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**State Bar Court of California
Hearing Department**

DISBARMENT

<p>Counsel For The State Bar</p> <p>Britta G. Pomrantz Senior Trial Counsel 180 Howard St. San Francisco, CA 94105 (415) 538-2292</p> <p>Bar # 310644</p>	<p>Case Number(s): 15-O-15411-LMA; 16-O-11172; 16-O-17003; 16-O-17694; 17-O-00276; 17-O-00528; 17-O-00779; 17-O-03329; 17-O-04412; 17-O-04413</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED </p> <p>JUN 12 2018</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Charnel James 3224 Foggy Bank Way Ste 304 Sacramento, CA 95833-9622 (530) 219-1833</p> <p>Bar # 289326</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: CHARNEL JEANNELOUISE JAMES</p> <p>Bar # 289326</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 **May 20, 2013**.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (17) 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."

(Effective November 1, 2015)



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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):
 - Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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.

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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. **See page 14.**
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See page 14.**
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Lack of Candor/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. See page 14.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution. See 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

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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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation. See page 15.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.
- (2) **Restitution:** Respondent must make restitution to **Evangelina Garibay** in the amount of \$ **\$1,847.15** plus 10 percent interest per year from **June 10, 2015**. If the Client Security Fund has reimbursed **Evangelina Garibay** for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than **30** days from the effective date of the Supreme Court order in this case.
- (3) **Other:** Respondent must make restitution to the following people in the following amounts, plus 10 percent interest per year from the dates below. If the Client Security Fund has reimbursed the people listed below for all of any portion fo the principal amount, respondent must pay restitution to CSF in the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than 30 days from the effective date of the Supreme Court order in this case:

Payee	Amount	Interest Accrues From
Yesenia Gomez	\$1,085	March 30, 2015
Brook Hilton	\$370	August 1, 2015
Jerry Braverman	\$660	May 20, 2017

CONCLUSIONS OF LAW:

5. By failing to deposit \$2,500 in funds received for the benefit of T.K., in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, respondent failed to deposit client funds in a trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

6. By failing to maintain \$1,847 of E.G.'s funds in her client trust account and by failing to maintain \$1,325 in advanced costs for the benefit of M.H. in her client trust account, respondent failed to maintain client funds in a trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

7. By grossly negligently misappropriating \$2,500 of T.K.'s funds, by grossly negligently misappropriating \$1,847.15 of E.G.'s funds, and by grossly negligently misappropriating \$1,385 of M.H.'s funds, respondent committed acts involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

Case No. 16-O-11172 (Yesenia Gomez)

FACTS:

8. In February 2015, Yesenia Gomez ("Gomez") hired respondent to file an immigration application on behalf of Gomez's husband, Florentino Hernandez ("Hernandez"). Gomez paid respondent \$2,500 as advanced fees: \$500 by credit card on February 28, 2015, and \$2,000 in cash on March 5, 2015. Gomez additionally provided respondent with three money orders made payable to "U.S. Department of Homeland Security – Citizenship and Immigration Services" ("USCIS") in the amounts of \$500, \$500, and \$85, for filing fees.

9. Respondent's office prepared a Petition for Alien Relative on behalf of Hernandez. On March 30, 2015, respondent deposited the three money orders totaling \$1,085 into her operating account. In depositing the money orders, respondent scratched out "U.S. Department of Homeland Security – Citizenship and Immigration Services" as the designated payee and entered her own name, falsely representing that she was entitled to the funds. Thereafter, respondent misappropriated the \$1,085 for her own use and benefit.

10. On June 24, 2015, respondent issued check no. 2175 from her operating account, made payable to "U.S. Department of Homeland Security – Citizenship and Immigration Services" in the amount of \$1,490 as filing fees for Hernandez's case. The check bounced one two separate occasions because there were insufficient funds in respondent's operating account.

11. Hernandez was later informed by USCIS that the agency had stopped processing his application because the payment submitted was returned or refused, and on August 10, 2015, USCIS notified Hernandez that his application had been rejected as improperly filed due to the return of payment for the filing fee.

12. On October 3, 2015, respondent wrote to USCIS in connection with Hernandez's case and falsely stated that the fees were paid via credit card through the agency's credit card service company. Respondent asked USCIS to "accept the attached petition, and credit the account with the previous payment." At the time respondent made the statement, she knew it was false.

13. By a letter dated November 30, 2015, USCIS notified respondent that the original payment for the filing fee was returned unpaid, and that therefore payment was not received within 14 days of the invoice as required.

14. Respondent knew that she owed filing fees, but took no action after receiving the notice of failed payment. Respondent never informed Gomez or Hernandez that the petition had not been successfully filed.

CONCLUSIONS OF LAW:

15. By failing to pay necessary filing fees associated with Hernandez's case and by failing to take any action to file the petition on behalf of Hernandez, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

16. By failing to deposit \$1,085 in advanced costs in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, respondent failed to deposit client funds in a trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

17. By grossly negligently misappropriating \$1,085 of Hernandez's funds, respondent committed an act involving moral turpitude and dishonesty in willful violation of section 6106 of Business and Professions Code.

18. By crossing out the name of USCIS on the money orders and depositing into her operating account money and thereby representing that respondent was entitled to the funds when respondent knew that the representation was false, respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106.

19. By falsely stating to USCIS that she had paid the filing fees by credit card when she knew it was false, respondent committed an act involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

Case No. 16-O-17003 (State Bar Investigation)

FACTS:

20. On October 3, 2016, Well Fargo Bank notified the State Bar of insufficient funds activity in respondent's CTA account, namely a \$5,000 wire transfer which, when honored by the bank, resulted in a negative balance of \$4.85. During the State Bar investigation into the insufficient funds activity in respondent's CTA, it was discovered that respondent misappropriated client funds, as follows:

A.F. LLC

21. On January 28, 2016 respondent deposited into her CTA a \$6,500 check made payable to "L/O CHARNEL JAMES IN TRUST FOR [A.F.] LLC." "A.F. LLC" was respondent's client and was entitled to the entirety of the deposited funds. Thereafter, respondent misappropriated the \$6,500 for her own use and benefit. Respondent later refunded the \$6,500 to A.F. LLC.

C.K.B.

22. On February 17, 2016 respondent deposited an \$8,500 check payable to “[C.K.B.] and Charnel James, attorney” into her CTA. C.K.B. was respondent’s client and was entitled to the entirety of those funds. Thereafter, respondent misappropriated the \$8,500 for her own use and benefit. Respondent later refunded the \$8,500 to C.K.B.

P.P.

23. On April 19, 2016, respondent deposited into her CTA a \$5,000 check made payable to “[P.P.] AND LAW OFFICE OF CHARNEL JAMES.” P.P. was respondent’s client and was entitled to the entirety of the deposited funds. Thereafter, respondent misappropriated the \$5,000 for her own use and benefit. Respondent later refunded \$5,000 to P.P.

CONCLUSIONS OF LAW:

24. By failing to maintain in her client trust account \$6,500 in funds for A.F. LLC, by failing to maintain \$8,000 in funds for C.K.B., and by failing to maintain \$5,000 in funds for P.P., respondent failed to maintain client funds in a trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

25. By grossly negligently misappropriating \$6,500 of A.F. LLC’s funds, by grossly negligently misappropriating \$8,500 of C.K.B.’s funds and by grossly negligently misappropriating \$5,000 of P.P.’s funds, respondent committed acts involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

Case No. 16-O-17694 (Brook Hilton)

FACTS:

26. On August 1, 2015, Brook Hilton (“Hilton”) hired respondent to file a claim for damages against Yuba County. Hilton’s claim related to two incidents in which the Yuba County Police entered onto Hilton’s property, causing damage to an irrigation pipe in one incident and injuring Hilton’s son in the second. Hilton’s potential claims against the county were subject to a six-month statute of limitations, measured from the dates of the incidents: March 18, 2015, and August 1, 2015, respectively.

27. On August 1, 2015, Hilton paid respondent \$2,000 in advanced fees. Respondent additionally instructed Hilton to pay her \$370 to cover filing fees. Respondent deposited the \$370 in filing fees directly into her operating account. By August 3, 2015, the balance in respondent’s operating account had dipped below zero. At that point, respondent had misappropriated the \$370 for her own use and benefit.

28. Between August 2015 and August 2016, Hilton contacted respondent several times for status updates. Respondent falsely stated to Hilton that his claim had been filed with Yuba County. In truth and in fact, respondent had not filed a complaint on behalf of Hilton and failed to file a complaint within the statute of limitations.

29. It was not until August 18, 2016, that respondent submitted a claim for damages against Yuba City on Hilton's behalf. In that claim, respondent falsely represented that Hilton had suffered damages in relation to incidents occurring on March 18, 2015, August 1, 2015, and May 20, 2016. Respondent knew an incident did not occur on May 20, 2016, but included that date to extend the statute of limitations and conceal her misconduct in failing to file a complaint within the statute of limitations.

30. On August 22, 2016, Yuba County's Department of Human Resources and Organizational Services issued a "Notice of Insufficiency" relating to the August 18, 2016 claim. The notice was directed to Hilton at his home address. The notice listed several technical defects in respondent's filing and referred to applicable provisions of the Government Code. Hilton informed respondent that the filing was deficient.

31. Thereafter, respondent failed to take any further action on behalf of Hilton and did not earn any portion of the \$2,000 paid as advanced fees by Hilton. To date, respondent has failed to refund unearned fees or the \$370 filing fee to Hilton.

CONCLUSIONS OF LAW:

32. By failing to deposit \$370 in advanced costs paid by Hilton into a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, respondent failed to deposit client funds in a trust account in willful violation of Rules of Professional Conduct, rule 4-100(A).

33. By failing refund \$2,000 in unearned fees to Hilton, respondent failed to refund unearned fees, in in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

34. By grossly negligently misappropriating \$370 in costs advanced by Hilton, respondent committed an act involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

35. By falsely stating to Hilton, that she had timely filed a claim for damages against Yuba County, when respondent knew that the statement was false, and by falsely stating in a claim for damages against Yuba County that an incident giving rise to the claim occurred on May 20, 2016, when respondent knew that statement was false and was made to conceal her misconduct, respondent committed acts involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

Case No. 17-O-00276 (R.J. Beardsley)

FACTS:

36. On June 1, 2015, R.J. Beardsley ("Beardsley") hired respondent to file an unlawful detainer action relating to two tenants. The fee agreement signed by both parties contemplated a total flat fee of \$800, \$300 to be provided upon signing of the agreement and \$500 to be remitted in the event that an answer was filed in the unlawful detainer action or a court appearance required. The fee agreement also set forth a series of anticipated costs in the amount of \$440.

37. On June 8, 2015, Beardsley authorized respondent to charge his Discover credit card \$740, the sum included the \$300 initial payment of attorney's fees and \$440 in advanced costs. Respondent did not deposit the \$440 in advanced costs in her CTA.

CONCLUSIONS OF LAW:

38. By failing to deposit \$440 in advanced costs paid by her client, R.J. Beardsley, into a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, respondent failed to deposit client funds in a trust account in willful violation of Rules of Professional Conduct, rule 4-100(A).

Case No. 17-O-00528 (State Bar Investigation)

FACTS:

39. On January 25, 2017, Well Fargo Bank notified the State Bar of insufficient funds activity in respondent's CTA account. That notification indicated that on January 5, 2017, Wells Fargo honored check no. 3012 in the amount of \$30, made payable to "Secretary of State" and bearing the memo "[I.O.] Corporation," drawn on respondent's CTA. The transaction brought respondent's CTA to a negative \$29.85 balance.

40. By a letter dated February 22, 2017, the State Bar sought respondent's explanation of the negative balance in her CTA caused when check no. 3012 was honored.

41. In her March 10, 2017 response to the State Bar's investigative letter, respondent falsely stated that her office assistant had prepared and signed the check without respondent's authorization. In truth and in fact, respondent's office assistant completed the written portions of the check at respondent's direction, but respondent signed the checks. When respondent made the statements to the State Bar, she knew they were false.

CONCLUSIONS OF LAW:

42. By falsely stating to the State Bar that check no. 3012 on her client trust account, in the amount of \$30 and payable to "Secretary of State," had been prepared, signed, and issued by her office assistant without respondent's authorization and against respondent's express direction, when respondent knew that statement was false, respondent committed an act involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

Case No. 17-O-00779 (Catherine Hawe)

FACTS:

43. In November 2016, respondent assigned an associate to prepare an Application for Permanent Residence on behalf of M.L. and his wife, A.I. Upon completing the paperwork, the associate provided the application materials to respondent's office assistant, and instructed the office assistant to arrange for the client to remit the necessary filing fees to the office. The associate also directed the office assistant to mail the application to USCIS upon receiving the fees.

44. On November 29, 2016, respondent's clients M.L. and A.I. deposited \$1,942.50 in filing fees directly into respondent's operating account through the service "Law Pay." The funds went directly into respondent's operating account because respondent linked her operating account to her Law Pay account. At no time did respondent transfer the \$1,942.50 in advanced costs to her CTA. Following the deposit, respondent misappropriated the funds for her own use and benefit.

45. When the funds designated for the filing fees were no longer available, respondent instructed her office assistant to lie to the associate by stating that the immigration application had been mailed. Respondent also directed her office assistant to conceal the file for respondent to deal with at a later date.

46. Thereafter, respondent failed to file the Application for Permanent Residence or take any action on behalf of M.L. and A.I. Respondent later refunded the \$1,942.50 to M.L. and A.I.

CONCLUSIONS OF LAW:

47. By failing to deposit \$1,942.50 in advanced costs paid by M.L. and A.I., into a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, respondent failed to deposit client funds in a trust account in willful violation of Rules of Professional Conduct, rule 4-100(A).

48. By grossly negligently misappropriating \$1,942.50 in costs advanced by her clients, M.L. and A.I., respondent committed an act involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

49. By instructing her office assistant not to file an Application for Permanent Residency prepared by the associate on behalf of M.L. and A.I., because respondent had not retained funds advanced by the clients to satisfy the associated filing fees, by instructing her office assistant to falsely inform the associate that the application had been timely filed, when respondent knew that statement to be false, by instructing her office assistant to conceal the clients' completed but unfiled Application for Permanent Residence within respondent's office, and by instructing her office assistant to state to the associate that an Application for Permanent Residence had been timely filed on behalf of M.L. and A.I., when respondent knew that statement to be false, respondent committed acts involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

State Bar Case No. 17-O-03329 (Jerry Braverman)

FACTS:

50. Respondent employed Jerry Braverman ("Braverman") as a paralegal from early 2017 until his termination on May 22, 2017. From February 3, 2017 through May 20, 2017, respondent withheld \$165 per pay period from Braverman's paychecks, for a total of \$1,320, pursuant to a withholding order levied by the California Department of Child Support Services ("DCSS"). Respondent then misappropriated those funds for her own use and benefit. Respondent later paid \$660 of the \$1,320 total to DCSS on behalf of Braverman. Braverman later satisfied the \$660 shortage by paying DCSS with his own funds.

51. To date, respondent has failed to refund \$660 of the misappropriated funds to Braverman.

CONCLUSIONS OF LAW:

52. By grossly negligently misappropriating the \$660 in funds that respondent was required to maintain for DCSS on behalf of Braverman respondent committed an act involving moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

Case No. 17-O-04412 (Evangelina Garibay)

FACTS:

53. Prior to October 13, 2014, respondent was hired by Evangelina Garibay (“Garibay”) to file a bankruptcy petition. On October 13, 2014, respondent filed a Chapter 13 bankruptcy petition in the U.S. Bankruptcy Court for the Eastern District of California (Case No. 14-30186). Respondent failed to make necessary installment payments and the case was dismissed on April 7, 2015. Respondent received notice of the dismissal, but failed to inform Garibay of the dismissal.

54. On April 23, 2015, respondent filed a Chapter 7 bankruptcy case on Garibay’s behalf in the U.S. Bankruptcy Court for the Eastern District of California (Case No. 15-23311). Respondent received notice of a meeting of creditors on July 5, 2015, but failed to appear and failed to advise her client to appear. The trustee filed a motion to dismiss when respondent and Garibay failed to appear at a meeting of creditors. Respondent received the motion, but failed to file an opposition. The motion was granted and the case dismissed on August 20, 2015. Respondent received notice of the dismissal, but failed to inform Garibay of the dismissal.

55. On September 11, 2015, respondent filed a second Chapter 13 bankruptcy case on Garibay’s behalf in the U.S. Bankruptcy Court for the Eastern District of California (Case No. 15-27154). Thereafter, respondent took no action in the bankruptcy case. On December 2, 2015, the trustee filed a motion to dismiss the case. Respondent received the motion, but failed to file an opposition. On January 2, 2016, the case was dismissed. Respondent received notice of the dismissal, but failed to inform Garibay of the dismissal.

CONCLUSIONS OF LAW:

56. By failing to make installment payments on Garibay’s behalf in connection with Case No. 14-30186, , by failing to notify Garibay about the meeting of creditors, by failing to appear with at a meeting of creditors and by failing to file oppositions to the motions to dismiss, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

57. By failing to inform Garibay about the meeting of creditors and by failing to inform Garibay of the dismissal of her bankruptcy petitions in Case Nos. 14-30186, 15-23311, and 15-27154, respondent failed to communicate a significant event to her client, in willful violation of Business and Professions Code, section 6068(m).

FACTS:

58. On January 30, 2015, Maria F. Angulo (“Angulo”) hired respondent to represent Angulo in connection with a pending deportation order. Between January 30, 2015, and February 6, 2015, Angulo paid respondent \$3,250 in advanced fees.

59. Following receipt of the advanced fees, respondent took no action on Angulo’s behalf and earned no portion of the \$3,250 paid by Angulo as advanced fees. To date, respondent has failed to refund any portion of the \$3,250 to Angulo.

CONCLUSIONS OF LAW:

60. By failing to substitute into Angulo’s pending deportation case, and by failing to take any action on behalf of Angulo in the deportation case, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

61. By failing to refund the \$3,250 paid by Angulo in advanced fees, respondent failed to refund unearned fees, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

AGGRAVATING CIRCUMSTANCES.

Standard 1.5(b): Multiple Acts of Wrongdoing: respondent committed 24 counts of misconduct in ten separate matters. In all, twelve of respondent’s clients were affected by her misconduct. This demonstrates multiple acts of wrongdoing.

Standard 1.5(i): Refusal or Inability to Account for Entrusted Funds: In her responses to the State Bar, respondent has demonstrated an inability to accurately account for the clients funds she mishandled. Respondent submitted to the State Bar CTA journals and ledgers reconstructed from memory because no contemporaneous records were kept, and her narrative responses seek to deflect blame to her office staff. In the end, respondent’s highly disordered recordkeeping and failure to observe norms in handling client funds have left her unable to track the funds she received and unable to substantiate her claims that where funds were misappropriated, those funds were ultimately refunded and the clients made whole.

Standard 1.5(j): Significant Harm to the Clients: Respondent has misappropriated a total of \$28,000 in client funds. While some of these funds were ultimately reimbursed, those reimbursements that did occur took place after significant delays. Importantly, the monetary value of respondent’s misappropriations must be weighed against the nature of her clientele — most of whom are not affluent, and would have experienced hardship stemming from the loss of funds — and in light of the funds misappropriated, which included both funds payable to the clients and costs advanced by her clients. Put simply, respondent’s misappropriation of advanced costs interfered with the progress of her clients’ cases. Additionally, respondent’s misconduct often resulted in significant non-monetary harm to her clients. The failure of Evangelina Garibay’s bankruptcy petitions, for example, resulted in the loss of her home in a foreclosure sale. Respondent’s misappropriation of Jerry Braverman’s child support payment caused Braverman to go into arrears. Several of respondent’s immigration clients faced substantial delays in the processing of their applications because respondent had misappropriated funds designated for filing fees.

Standard 1.5(m): Failure to Make Restitution: Despite expressing an intention to make her clients whole again, respondent has failed to make restitution to several of her clients (Evangelina Garibay, Yesenia Gomez, Brooke Hilton, and former paralegal, Jerry Braverman), withholding funds totaling more than \$6,000.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged 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 Spaith* (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 Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) 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).)

Respondent committed 24 separate acts of 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 sanction applicable to respondent's misconduct is found in standard 2.11, which applies to respondent's intentional misrepresentations and provides: “Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a

material fact. The degree of sanction depends on the magnitude of the misconduct; 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."

Here, respondent misappropriated more than \$28,000 from nine clients by gross negligence, made misrepresentations to conceal her misconduct from her clients and others, failed to perform in three cases and failed to refund unearned fees in two cases. Respondent's misconduct is serious and directly related to the practice of law. In aggravation, respondent committed multiple acts of misconduct, refused to account for entrusted funds, caused significant harm to her clients and failed to make restitution. Respondent is only entitled to mitigation for entering into this stipulation. Based on the serious and repetitive nature of respondent's misconduct, the significant aggravating factors and limited mitigation, disbarment is warranted under the standards.

Case law supports this recommendation. The Supreme Court has long noted that "in the absence of strong mitigating circumstances the penalty for repeated acts of misappropriation, or misappropriation coupled with misrepresentation, is disbarment." (*In re Vaughn* (1985) 38 Cal.3d 614, 619; *see also Harford v. State Bar* (1990) 52 Cal.3d 93 [disbarment recommended where respondent failed to perform, misappropriated funds, and made misrepresentations in six client matters, and where respondent's mitigation did not outweigh the aggravation evidence and the misconduct was "permeated with concealment and dishonesty"]; *Read v. State Bar* (1991) 53 Cal.3d 394, 426 [recommending disbarment for misconduct in multiple client matters, including failures to perform, misappropriations, and misrepresentations; as the Court concluded, "petitioner's high degree of dishonesty warrants disbarment"].)

Here, respondent's misappropriations and pervasive misconduct were facilitated and concealed by respondent's misrepresentations and acts of moral turpitude. Her disbarment is necessary to protect the public from further misconduct.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of May 23, 2018, the prosecution costs in this matter are \$16,793. 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.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notices of Disciplinary Charges filed on February 6, 2018, and March 7, 2018, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

(Do not write above this line.)

In the Matter of: CHARNEL JEANNELOUISE JAMES	Case Number(s): 15-O-15411; 16-O-11172; 16-O-17003; 16-17694; 17-O-00276; 17-O-00528; 17-O-00779; 17-03329; 17-O-04412; & 17-O-04413
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DISBARMENT 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.

1. On page 1 of the Stipulation after "Submitted to:", "Assigned Judge" is deleted and "Settlement Judge" is inserted.
2. On page 5 of the Stipulation, below paragraph E. (3), "\$370" is deleted and "\$2,370" is inserted.
3. On page 5 of the Stipulation, below paragraph E. (3), the following is inserted after the restitution amount for Jerry Braverman: "Maria F. Angulo \$3,250 from January 30, 2015."
4. On page 7 of the Stipulation, paragraph 10., line 3, "one" is deleted and "on" is inserted.
5. On page 10 of the Stipulation, paragraph 33., line 1, "to" is inserted after "failing."
6. On page 13 of the Stipulation, paragraph 56., line 2, ", , " is deleted and " , " is inserted.

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.)**

(Do not write above this line.)

Respondent Charnel Jeannelouise James is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date June 12, 2018

Pat E McElroy
PAT E. MCELROY
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 Court Specialist 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 San Francisco, on June 12, 2018, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

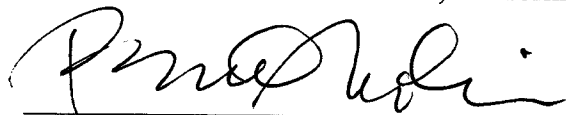
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

CHARNEL J. JAMES
LAW OFFICE OF CHARNEL JAMES
3224 FOGGY BANK WAY
STE 304
SACRAMENTO, CA 95833 - 9622

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

BRITTA G. POMRANTZ, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 12, 2018.



Bernadette Molina
Court Specialist
State Bar Court