

# PUBLIC MATTER

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| State Bar Court of California<br>Hearing Department<br>Los Angeles<br>REPROVAL   |  |  |
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| <b>Counsel For The State Bar</b><br><br><b>Anand Kumar</b><br>Senior Trial Counsel<br><b>Anita Kabaci</b><br>Deputy Trial Counsel<br>845 S. Figueroa Street<br>Los Angeles, CA 90017<br>(213) 765-1248<br><br>Bar # 281592<br>270209 | <b>Case Number(s):</b><br>16-C-17511-CV  | <b>For Court use only</b><br><br><b>FILED</b><br><br>APR 25 2017<br><br>STATE BAR COURT<br>CLERK'S OFFICE<br>LOS ANGELES |
| <b>Counsel For Respondent</b><br><br><b>Frank M. Buda</b><br>Law Office of Frank M. Buda<br>21243 Ventura Blvd, #102<br>Woodland Hills, CA 91364<br>(818) 999-9871<br><br>Bar # 125511   | <b>Submitted to: Settlement Judge</b><br><br>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND<br>DISPOSITION AND ORDER APPROVING | <b>NOT FOR PUBLICATION</b>   |
| <b>In the Matter of:</b><br>TIFFANY NOELLE BUDA<br><br>Bar # 232679<br><br>A Member of the State Bar of California<br>(Respondent)   | <b>PRIVATE REPROVAL</b><br><br><input type="checkbox"/> PREVIOUS STIPULATION REJECTED  |  |

**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 1, 2004.
- (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 15 pages, not including the order.

(Effective April 1, 2016)

Reproval



KLR

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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 8140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
  - Case ineligible for costs (private reproof).
  - 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.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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

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- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.
- (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.
- (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. (See attachment, page 10.)
- (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 investigation and proceedings.

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- (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. (See attachment, page 10.)
- (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. (See attachment, page 10.)
- (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:**

**Prompt Objective Steps to Rectify Misconduct, Pretrial Stipulation (see attachment, page 11.)**

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).
- or
- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproval for a period of one (1) year.

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- (2)  During the condition period attached to the reproof, 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 reproof. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the reproof conditions period, 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of reproof with the probation monitor to establish a manner and schedule of compliance. During the reproof conditions period, Respondent must furnish 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 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 conditions attached to the reproof.
- (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)  Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reproof.

No MPRE recommended. Reason: The protection of the public and the rehabilitation of Respondent do not require passage of the MPRE in this case. (See in the Matter of Respondent G (Review DepL 1992) 2 Cal. State Bar Ct. Rptr. 181.)

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(11)  The following conditions are attached hereto and incorporated:

- |  |   |
|--|---|
| <input type="checkbox"/> Substance Abuse Conditions    | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

**As reflected in section (E)(11), the parties negotiated medical conditions, which are attached to Respondent's probation. In the interests of protecting Respondent's privacy regarding her sensitive medical information, the parties have further negotiated that the medical conditions, which appear at pages 7 through 9 of this Stipulation, will be placed under seal and unavailable to the public. Additionally, the parties have further stipulated that the specific references to Respondent's treating psychiatrist's name and hospital will remain confidential.**

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|---|---|
| In the Matter of:<br><b>TIFFANY NOELLE BUDA</b> | Case Number(s):<br><b>16-C-17511-CV</b> |
|---|---|

**Medical Conditions**

- a.  Unless Respondent has been terminated from the Lawyer Assistance Program (“LAP”) prior to respondent’s successful completion of the LAP, respondent must comply with all provisions and conditions of respondent’s Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent’s participation in the LAP and respondent’s compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
  
- b.  Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent’s own expense a minimum of \_\_\_\_\_ times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for \_\_\_\_\_ days or \_\_\_\_\_ months or \_\_\_\_\_ years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent’s condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c.  Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent’s medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:





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

IN THE MATTER OF:                      TIFFANY NOELLE BUDA

CASE NUMBER:                            16-C-17511-CV

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which she was convicted involved other misconduct warranting discipline.

Case No. 16-C-17511 (Conviction Proceedings)

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. On January 5, 2016, the Los Angeles County District Attorney filed a complaint in the Los Angeles County Superior Court case number 6SV01030, charging Respondent with one count of violating Penal Code section 242, unlawful use of force or violence upon the person of another, a misdemeanor violation.

3. On May 19, 2016, Respondent pled nolo contendere to a violation of Penal Code section 242, a misdemeanor violation, which resulted in a conviction of one count of Penal Code section 242.

4. On May 19, 2016, Respondent was placed on summary probation for a period of 36 months with conditions including being ordered to perform 140 hours of community service, pay a restitution fine in the amount of \$150 to the court, and stay at least 100 yards away from the victim.

5. On December 14, 2016, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

**FACTS:**

6. On October 20, 2015, Respondent went to a Petco store to get her three family dogs groomed. Respondent entered the store lobby with one dog, placed the dog on the floor, then exited the store lobby. One of the dogs urinated on the floor of the store lobby. A Petco employee walked out from behind the counter and grabbed the leash of the unattended dog.

7. Respondent returned to the lobby with two additional dogs. The Petco employee advised Respondent not to leave the dogs unattended and informed Respondent that one of her dogs urinated on the floor. The Petco employee used a towel to wipe the urine off of the floor.

8. Respondent placed two of the dogs on the counter while the Petco employee was holding the leash of the third dog. Respondent requested that the store manager be called. A heated discussion then ensued between Respondent and the Petco employee concerning whether Respondent would be refused dog grooming service. Respondent attempted to take the leash out of the Petco employee's hands, causing one of the dogs to fall off of the counter.

9. Respondent lunged towards the Petco employee and chest bumped her. Respondent then shoved the Petco employee's face with her open hand, which led to a scuffle wherein both women grabbed and shoved each other. During the scuffle, Respondent grabbed the leashes of two of her dogs and fled the store. Respondent drove away with two of her dogs, leaving the third dog behind.

10. As a result of the physical altercation, the Petco employee suffered a laceration to her lip.

11. Within thirty minutes after the October 20, 2015 incident, Respondent contacted her treating psychiatrist, Dr. \_\_\_\_\_, at \_\_\_\_\_ and scheduled an appointment for two days later.

12. At the time of the May 19, 2016 conviction, Respondent was on criminal probation from a prior misdemeanor conviction in Los Angeles County Superior Court case number 4VY02208, which involved a violation of Vehicle Code section 23103 for reckless driving. On June 18, 2014, Respondent was placed on summary probation for a period of 24 months. As a result of the current conviction, Respondent was in violation of her criminal probation, which was revoked and reinstated with modifications. Respondent has since completed her criminal sentence.

#### CONCLUSIONS OF LAW:

13. The facts and circumstances surrounding the above-described violations did not involve moral turpitude but did involve other misconduct warranting discipline.

#### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**No Prior Discipline (Std. 1.6(a)):** Respondent has no prior record of discipline since being admitted to the State Bar of California on December 1, 2004, and her misconduct is unlikely to recur. Respondent's 11-years of discipline free practice at the time of the misconduct should be given significant weight in mitigation. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [more than 10 years of discipline-free practice entitled to "significant" mitigation].)

**Good Character (Std. 1.6(f)):** Respondent has provided eight character declarations from witnesses, including an attorney, four former clients, two long-term friends, and a family member, attesting to Respondent's good character with an awareness of the current misconduct.

**Extreme Emotional, Physical, or Mental Difficulties and Disabilities (Std. 1.6(d)):** Respondent provided a letter from her treating psychiatrist, Dr. \_\_\_\_\_, who stated that at the time of the misconduct, Respondent was suffering from \_\_\_\_\_ mental health conditions, and she was taking a prescription medication, \_\_\_\_\_, to treat her mental health conditions, but that the improper dosage and side effects of the medication caused her misconduct. Since October 20, 2015, the date of the misconduct, Respondent has been prescribed new medication for her mental health conditions, continues to receive treatment from Dr. \_\_\_\_\_, and has not been involved in any similar violent incidents. Dr. \_\_\_\_\_ further opined that Respondent's misconduct is not likely to recur as long as she remains on her current medication and undergoes therapy.

**Prompt Objective Steps to Rectify Misconduct:** Respondent took prompt objective steps within thirty minutes after the incident occurred by contacting her treating psychiatrist at \_\_\_\_\_ and scheduling an appointment for two days later. Respondent recognized her wrongdoing, stopped the use of the previously prescribed medication, and has received a new prescription for her medication with the correct dosage, and in doing so, she has taken steps to address her misconduct, and demonstrated that she is willing and able to conform to her ethical responsibilities. (See, e.g., *Hipolito v. State Bar* (1989) 48 Cal.3d 621, 627, fn. 2. [favorable consideration given for “steps to repair the damage done and to prevent its recurrence”]; see also Stds. 1.6(g) and 1.7(c).)

**Pretrial Stipulation:** While the instant misconduct is easily provable, 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).)

Standard 2.16(b) provides that a suspension or reproof is appropriate for a final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline. Respondent was convicted of a misdemeanor violation of Penal Code section 242. Her battery conviction does not involve moral turpitude per se. Even in cases involving extremely violent facts and circumstances, the analogous crime of domestic violence has generally been held not to rise to the level

of moral turpitude. (See *In re Hickey* (1990) 50 Cal.3d 571, 579 [infliction of corporal punishment on a cohabitant of the opposite sex resulting in a traumatic condition constituted misconduct warranting discipline].) However, domestic violence has been held to constitute “other misconduct warranting discipline.” (*In re Otto* (1989) 48 Cal.3d 970.)

Here, Respondent willfully and unlawfully used force and violence upon the Petco employee by shoving her in the face. Her actions were aggressive and hostile, which ultimately resulted in the Petco employee having to defend herself and sustaining a laceration to her lip, before Respondent ultimately fled the store. Moreover, Respondent’s actions placed her in violation of her prior criminal probation. Accordingly, Respondent’s misconduct is serious. However, to determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. Respondent’s misconduct is not surrounded by any aggravating circumstances, and in mitigation, she has no prior record of discipline, was experiencing extreme mental difficulties at the time which were directly responsible for her misconduct, has proven her good character, and entered into a pretrial stipulation, which, in totality, warrants significant mitigation. Based on the facts and circumstances in this case, including the significant mitigation compared to the lack of aggravating circumstances, Respondent’s misconduct warrants discipline at the lower end of the range of discipline set forth in standard 2.16(b). Therefore, a private reproof with conditions is appropriate discipline to protect the public, maintain high professional standards, and preserve public confidence in the legal profession.

Relevant case law supports the instant discipline recommendation. While there are no published State Bar Court cases that involve very similar misconduct (i.e., simple battery), there are several relevant cases that reflect a range of discipline that has been imposed for more serious misconduct and which provide valuable insight in placing Respondent’s misconduct in context for discipline purposes.

In *In re Otto* (1989) 48 Cal.3d 970, an attorney was convicted of two felonies—assault by means likely to produce great bodily injury, and infliction of corporal punishment on a cohabitant of the opposite sex resulting in a traumatic condition, both of which were reduced to misdemeanors by the underlying criminal trial court. (*Id.* at p. 971.) The Supreme Court ordered the attorney suspended for two years, stayed, conditioned on a two-year probation and a six (6) month actual suspension. (*Id.* at p. 972.)

In *In re Kelley*, (1990) 52 Cal.3d 487, Kelley was twice convicted of drunk driving following two arrests in a 31-month period. The second violation occurred while she was on probation for the first conviction. Kelley was agitated and uncooperative with law enforcement during her arrest. The Supreme Court determined that Kelley’s second conviction warranted discipline since she demonstrated disrespect for the legal system by violating probation orders. (*Id.* at p. 495.) Kelley’s mitigating factors of no prior record of discipline, community service, and cooperation warranted “relatively minimal discipline” even though her crimes “were serious and involved a threat of harm to the public.” (*Id.* at p. 498.) The Supreme Court concluded that a public reproof was “sufficient to protect the public from the threat of future professional misconduct.” (*Ibid.*)

Comparing the instant matter to these cases, Respondent’s misconduct is much less egregious than the infliction of corporal punishment that resulted in a traumatic condition to Otto’s female cohabitant. Respondent’s misconduct, while distinguishable in nature from Kelley’s drunk driving convictions, similarly involved a violation of Respondent’s criminal probation, stemmed from a situation unrelated to the practice of law, and Respondent also had no prior record of discipline at the time of her crime. Further, the most important fact that distinguishes Respondent’s case from both *Otto* and *Kelley* is that Respondent’s misconduct resulted from an incorrect dosage and side effects of a

medication prescribed to treat her mental health conditions, and, since the time of the misconduct, Respondent's conditions have been stabilized with new medication and ongoing treatment with no further incident, such that it appears that Respondent's misconduct was aberrational and not likely to recur. Since Respondent's misconduct is surrounded by more mitigation than Kelley, her misconduct warrants less discipline than was imposed in *Kelley*. Accordingly, balancing all of the appropriate factors, a private reproof with medical conditions is warranted.

**EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT**

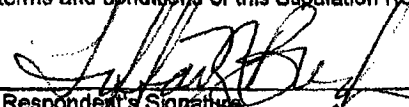


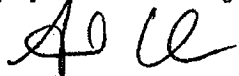
Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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**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>3/29/17</u><br>Date | <u></u><br>Respondent's Signature           | <u>Tiffany Noelle Buda</u><br>Print Name |
| <u>3-30-17</u><br>Date | <u></u><br>Respondent's Counsel Signature   | <u>Frank Michael Buda</u><br>Print Name  |
| <u>4/4/17</u><br>Date  | <u></u><br>Deputy Trial Counsel's Signature | <u>Anita Kabaci</u><br>Print Name        |
| <u>4.4.17</u><br>Date  | <u></u><br>Senior Trial Counsel's Signature | <u>Anand Kumar</u><br>Print Name         |

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### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

April 18, 2017  
Date

Yvette D. Roland  
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 April 25, 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:

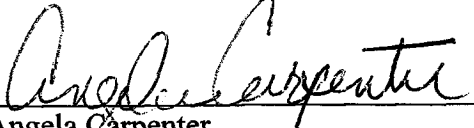
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

FRANK M. BUDA  
LAW OFC FRANK M BUDA  
21243 VENTURA BLVD STE 102  
WOODLAND HILLS, CA 91364 - 2123

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

Anita Kabaei, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 25, 2017.

  
\_\_\_\_\_  
Angela Carpenter  
Case Administrator  
State Bar Court