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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel for the State Bar Duncan Carling Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2204 Bar # 262387	Case Number(s): 17-O-00962-MC 17-O-04304 17-O-06062 17-O-07381 18-O-10402 18-O-12166 18-O-15110 19-O-911648 (inv) SBC-19-O-30168	For Court use only <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center;">MAY 15 2019 <i>SH</i></div> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Alison Buchanan Hoge Fenton Jones & Appel, Inc. 60 S. Market St., Suite 1400 San Jose, CA 95113-2396 (408) 287-9501 Bar # 215710	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: MINA LEE RAMIREZ Bar # 118302 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 13, 1985**.
- (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 **31** 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. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with Respondent's membership fees for each of the following years: 2020, 2021, 2022.

If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.

- Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
- Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline:**
- (a) State Bar Court case # of prior case:
- (b) Date prior discipline effective:
- (c) Rules of Professional Conduct/ State Bar Act violations:
- (d) Degree of prior discipline:
- (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.

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- (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. **See page 26.**
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's 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 26.**
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct. **See page 26.**
- (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 [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 Respondent's 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 Respondent's 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 Respondent.
- (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 Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's 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:

Good Character, see page 26.

No Prior record of Discipline, see page 26.

Pretrial Stipulation, see page 27.

D. Recommended Discipline:

- (1) **Actual Suspension:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for the first _____ of the period of Respondent's probation.

- (2) **Actual Suspension "And Until" Rehabilitation:**

Respondent is suspended from the practice of law for **three years**, the execution of that suspension is stayed, and Respondent is placed on probation for **three years** with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first **two years** of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

- (3) **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

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- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(4) **Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(5) **Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the

Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(6) **Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:

- a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7) **Actual Suspension with Credit for Interim Suspension:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent is suspended from the practice of law for the first _____ of probation (with credit given for the period of interim suspension which commenced on _____).

E. Additional Conditions of Probation:

- (1) **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's

compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

- (2) **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3) **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4) **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5) **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6) **Quarterly and Final Reports:**
 - a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
 - b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
 - c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

d. Proof of Compliance. Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7) **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8) **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because _____.
- (9) **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10) **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete _____ hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11) **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.
- (12) **Minimum Continuing Legal Education (MCLE):** Within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete _____ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in SELECT ONE _____ and must

provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

- (13) **Other:** Respondent must also comply with the following additional conditions of probation:

No earlier than 90 days and no later than 30 days prior to filing a petition with the State Bar Court seeking relief from actual suspension pursuant to Standard 1.2(c)(1), respondent must develop a law office management/organization plan which must be approved by the Office of Probation. This plan must include procedures for (1) sending periodic reports to clients, (2) documentation of communications received and sent, (3) file maintenance, (4) meeting deadlines, (5) withdrawing as attorney, whether of record or not, when clients cannot be contacted or located, (6) training and supervision of support personnel, even if respondent does not have, or intend to have support personnel, (7) client trust account management, and (7) address any subject area or deficiency that caused or contributed to respondent's misconduct in the current proceeding.

- (14) **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (15) **The following conditions are attached hereto and incorporated:**

- Financial Conditions Medical Conditions
 Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

F. Other Requirements Negotiated by the Parties (Not Probation Conditions):

- (1) **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2) **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because

- (3) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Atheam v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (4) **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Atheam v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (5) **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because

- (6) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

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In the Matter of: MINA LEE RAMIREZ	Case Number(s): 17-O-00962-MC, 17-O-04304, 17-O-06062, 17-O-07381, 18-O-10402, 18-O-12166, 18-O-15110, 19-O-911648 (inv)
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Financial Conditions

(1) **Restitution (Single Payee)**

SELECT ONE /Reproval Conditions Period, Respondent must make restitution in the amount of \$ _____, plus 10 percent interest per year from _____, to _____ or such other recipient as may be designated by the Office of Probation or the State Bar Court (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5) and must furnish satisfactory proof of restitution to the Office of Probation. [Such restitution may be made by partial payments or by a single lump sum payment during the period specified above.]

(2) **Installment Restitution Payments (Single Payee)**

In addition to the above deadline for completing restitution and for as long as the full amount of restitution remains unsatisfied, Respondent must make installment payments according to the following payment schedule:

Respondent must make SELECT ONE payments in the amount of \$ _____ to _____ The obligation to make such payments will commence _____ days after the effective date of the SELECT ONE order imposing discipline in this matter. Such payments will be due on the _____ day of each calendar SELECT ONE thereafter and be deemed delinquent if not submitted to such payee, or such other recipient as may be designated by the Office of Probation or the State Bar Court, within ten (10) days thereafter.

With each quarterly and final report, or as otherwise directed by the Office of Probation, Respondent must provide satisfactory proof of such installment payments to the Office of Probation.

(3) **Restitution (Multiple Payees)**

SELECT ONE /Reproval Conditions Period, Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

(4) Installment Restitution Payments (Multiple Payees)

In addition to the above deadline for completing restitution, Respondent must make installment payments of restitution according to the following schedule:

<i>Payee</i>	<i>Minimum Payment Amount</i>

Respondent must commence making such payments within _____ days after the effective date of the SELECT ONE _____ order imposing discipline in this matter. Such payments will be due on the _____ day of each calendar SELECT ONE thereafter and be deemed delinquent if not submitted to such payee, or such other recipient as may be designated by the Office of Probation or the State Bar Court, within ten (10) days thereafter. The obligation to make installment payments to a particular payee will terminate when the full amount of restitution owed to that payee, including accrued interest, has been paid.

With each quarterly and final report, or as otherwise directed by the Office of Probation, Respondent must provide satisfactory proof of such installment payments to the Office of Probation.

(5) Reporting re Proper Handling of Entrusted Client Funds, Property, or Securities

Respondent must comply with the following reporting requirements:

- a. If Respondent possessed client funds, property, or securities at any time during the period covered by a required quarterly or final report, Respondent must submit with the report for that period a statement made by Respondent under penalty of perjury that:
 - i. Respondent handled all such client funds, property, and/or securities in compliance with rule 4-100 of the Rules of Professional Conduct; and
 - ii. Respondent complied with the "Trust Account Record Keeping Standards" adopted by the State Bar Board of Trustees, pursuant to rule 4-100(C) of the Rules of Professional Conduct.
- b. If Respondent did not possess any client funds, property, or securities during the entire period covered by a quarterly or final report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period.

(6) Reporting re Proper Handling of Entrusted Client Funds, Property, or Securities (Accountant certification – 1st Report)

Respondent must comply with the following reporting requirements:

(Do not write above this line.)

- a. If Respondent possessed client funds, property, or securities at any time during the period covered by a required quarterly or final report, Respondent must submit with the report for that period a statement that:
 - i. Respondent handled all such client funds, property, and/or securities in compliance with rule 4-100 of the Rules of Professional Conduct; and
 - ii. Respondent complied with the "Trust Account Record Keeping Standards" adopted by the State Bar Board of Trustees, pursuant to rule 4-100(C) of the Rules of Professional Conduct.

For the first period for which such statement is required, the statement must be from a certified public accountant or other financial professional approved by the Office of Probation. For all subsequent periods for which such statement is required, the statement may be made by Respondent under penalty of perjury.

- b. If Respondent did not possess any client funds, property, or securities during the entire period covered by a quarterly or final report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period.

(7) Other:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MINA LEE RAMIREZ

CASE NUMBER: 17-O-00962-MC, 17-O-04304, 17-O-06062, 17-O-07381,
18-O-10402, 18-O-12166, 18-O-15110, 19-O-911648 (inv)

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. 17-O-00962-MC (Complainant: Mohamed Elemeiry)

FACTS:

1. On July 20, 2015, Mohamed Elemeiry hired respondent to represent him in a divorce case. He paid respondent \$2,800 in advance fees for the representation. Respondent handled some initial matters, including an opposition to a restraining order, but Elemeiry terminated the representation in November 2015 because he and his wife decided to hire one lawyer to handle the divorce for both of them. Subsequent to the termination, respondent failed to provide Elemeiry with an accounting. Respondent had a duty to provide Elemeiry with an accounting, even without a request from the client. (See *In the Matter of Brockway* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944, 952.)
2. In December 2015, Elemeiry asked respondent to provide an accounting of his advance fees and a refund of any unearned fees. Respondent's office assistant told Elemeiry that he would receive the accounting and refund in a few days, but the office failed to send an accounting or refund.
3. Elemeiry telephoned respondent's office approximately 40 times between December 2015 and December 2016 to inquire about the status of his accounting and refund. In June 2016, respondent's assistant told Elemeiry that the accounting was being prepared and that he would receive a refund of \$1,200. A week later, the assistant told Elemeiry that respondent had determined that the refund was too high, and the office would send a revised refund and accounting, but no accounting or refund was sent to Elemeiry.
4. In January 2017, Elemeiry filed a complaint with the State Bar because he had not received an accounting and refund.
5. On February 7, 2017, the State Bar sent respondent a letter of inquiry regarding Elemeiry's complaint. In April 2017, respondent sent Elemeiry a refund of \$1,085, but failed to provide Elemeiry with an accounting at that time. The State Bar directed respondent to provide Elemeiry with an accounting. On August 17, 2017, respondent provided Elemeiry with an accounting.

CONCLUSIONS OF LAW:

6. By failing to refund to Elemeiry until April 2017 the \$1,085 in advanced fees that respondent had not earned, following Elemeiry's request for a refund and accounting in December 2015, respondent failed to refund promptly unearned fees to her client, in willful violation of the Rules of Professional Conduct, former rule 3-700(D)(2).
7. By failing to render an accounting until August 2017 of the \$2,800 Elemeiry paid in advance fees, following Elemeiry's termination of respondent's services in November 2015 and request for a refund and accounting in December 2015, respondent failed to render an appropriate accounting to a client regarding the client's funds, in willful violation of the Rules of Professional Conduct, former rule 4-100(B)(3).
8. By failing to respond to approximately 40 telephonic reasonable status inquiries about the accounting and unearned fees made by Elemeiry between December 2015 and December 2016, respondent failed to respond promptly to reasonable status inquiries by a client, in willful violation of Business and Professions Code, section 6068(m).

Case No. 17-O-04304 (Complainant: Gonzalo Gomez)

FACTS:

9. On April 5, 2017, Gozalo Gomez hired respondent to represent him in matter regarding his passport, which was being withheld due to Gomez's non-payment of child support. Gomez paid respondent \$1,750, which was half of an agreed-upon fee of \$3,500 for the representation. Gomez understood that respondent would start work on the case after the initial deposit.
10. On April 28, 2017, Gomez sent respondent a letter, complaining that no progress had been made on his case and asking for his money back. On May 1, 2017, respondent's assistant sent Gomez an email, stating that they had contacted the "child support department" in Merced and were waiting to find out the amount of back child support that was owed. The assistant enclosed a fee agreement for Gomez to sign, which he signed that day. The fee agreement stated that Gomez was to pay the \$3,500 fee in two installments—\$1,750 on April 5, 2017, and \$1,750 on May 5, 2017—and that "no documents will be prepared or filed with the court until the entire retainer is paid."
11. Gomez did not pay the second installment on May 5, 2017, but he continued to inquire about the status of his case by email, letter, and telephone. Respondent's assistant told Gomez that he needed to pay the second half of the fee before work would begin. Gomez told the assistant that he wanted answers to some questions about his case before he paid the second half of the fee. In late May 2017, Gomez telephoned the assistant and told her he was terminating the representation, and he requested a refund of his initial payment of \$1,750. Subsequently, respondent failed to refund the fees.
12. On June 29, 2017, Gomez filed a complaint with the State Bar because he had not received the refund.

13. On September 8, 2017, the State Bar sent respondent a letter of inquiry regarding Gomez's complaint. On September 29, 2017, respondent sent Gomez a refund of \$1,750.

CONCLUSIONS OF LAW:

14. By failing to refund to Gomez the \$1,750 in unearned fees until September 29, 2017, following Gomez's request for a refund in May 2017, respondent failed to refund promptly unearned fees to her client, in willful violation of the Rules of Professional Conduct, former rule 3-700(D)(2).

Case No. 17-O-06062 (Complainant: Maria Buenrostro)

FACTS:

15. On April 3, 2017, Maria Buenrostro hired respondent to file a defamation lawsuit against a person that worked with her husband. She paid respondent \$5,435 in advance fees by credit card. Later that day, Buenrostro changed her mind about the lawsuit. On April 4, 2017, Buenrostro telephoned respondent's office, terminated the representation, and asked for a refund. Respondent's assistant told Buenrostro that her money would be refunded. Subsequently, respondent failed to refund any part of the \$5,435.
16. Buenrostro telephoned respondent's office approximately 10 times between April 2017 and October 2017 to inquire about her refund. On one occasion, the office told Buenrostro that respondent was waiting for the accountant to tell her how much money Buenrostro was due. Eventually the office stopped taking Buenrostro's telephone calls. Twice Buenrostro went to the office, but she was not able to get into the office to speak with anyone. Buenrostro continued to pay monthly interest on the credit card charge.
17. On September 21, 2017, Buenrostro filed a complaint with the State Bar because she had not received the refund.
18. On October 19, 2017, the State Bar sent respondent a letter of inquiry regarding Buenrostro's complaint. On April 18, 2018, a year after Buenrostro terminated respondent's services, respondent sent Buenrostro a refund of \$5,435, plus 10% interest of \$543, for a total payment of \$5,978.

CONCLUSIONS OF LAW:

19. By failing to refund to Buenrostro until April 18, 2018, the \$5,435 in advanced fees that respondent had not earned, following Buenrostro's request for a refund on April 4, 2017, respondent failed to refund promptly unearned fees to her client, in willful violation of the Rules of Professional Conduct, former rule 3-700(D)(2).
20. By failing to respond to approximately 10 telephonic reasonable status inquiries made by Buenrostro between April 2017 and October 2017, and two unsuccessful attempts to speak to respondent at her office about the status of her refund, respondent failed to respond promptly to reasonable status inquiries by a client, in willful violation of Business and Professions Code, section 6068(m).

Case No. 17-O-07381 (Complainant: Miguel Salinas)

FACTS:

21. On April 20, 2016, Miguel Salinas hired respondent to represent his company, Del Golfo Foods Inc. ("Del Golfo"), in a breach of contract case against Iguanas Burritozilla Corp. ("Iguanas"). Del Golfo alleged that Iguanas failed to pay for meat that Del Golfo delivered to its restaurants. Salinas paid respondent \$15,000 in advance fees for the representation.
22. On May 12, 2016, respondent sent a demand letter to Iguanas seeking \$114,855 for meat that Del Golfo delivered between August 2014 and January 2016. On June 3, 2016, attorney James McDaniel replied to the letter on behalf of Iguanas, stating that Del Golfo had delivered lower-grade meat than the contract required and advising respondent to drop the legal action.
23. On October 18, 2016, respondent filed a complaint in the case of *Del Golfo Foods Inc. v. Iguanas Burritozilla Corp.*, Santa Clara Superior Court Case No. 16CV301178. The court set the first case management conference ("CMC") for February 14, 2017. Respondent knew that the first CMC was scheduled for February 14, 2017.
24. On February 14, 2017, respondent failed to appear at the first CMC.
25. On May 1, 2017, McDaniel telephoned respondent and advised her that some of the defendants named in the complaint should be dismissed because they were not owners of the business and not a party to the contract. On May 18, 2017, respondent sent McDaniel an email stating that she intended to file an amended complaint.
26. On July 14, 2017, McDaniel sent respondent an email asking about the status of the first amended complaint. McDaniel was concerned that the statute of limitations on the defendant's cross-complaints was approaching. He asked respondent if she would agree to toll the statute of limitations until she filed the amended complaint, and respondent agreed. McDaniel also advised respondent that another CMC was set for October 17, 2017.
27. Respondent failed to appear at the second CMC on October 17, 2017, and the court issued an order to show cause ("OSC") on January 25, 2018, as to why Salinas' case should not be dismissed.
28. Between April 2016 and October 2017, Salinas and his wife, Nhu Hong, telephoned respondent's office approximately 20 times to find out the status of the case, but they were told that respondent was not in the office. On one occasion, an office employee told Salinas that respondent was waiting on information and that she would start working on the file when she received it.
29. On October 19, 2017, Hong sent respondent an email on behalf of Salinas terminating the representation. Hong asked respondent to return the file, provide an accounting, and refund any unearned fees. Hong stated that Salinas would come to the office the following week to pick up the file, accounting, and refund.

30. On November 8, 2017, Salinas went to respondent's office to retrieve the materials that Hong had requested on his behalf. Respondent provided Salinas with a copy of his client file, billing records for \$4,524 in earned fees, and a refund of \$8,145 in unearned fees.
31. The billing records provided to Salinas on November 8, 2017 ("billing records") stated that on May 2, 2017, a paralegal spent 1.5 hours on "Legal research on internet re special interrogatories for contract cases," and another 1.5 hours on "Begin drafting Form Interrogatories to all 7 defendants; Begin drafting Special Interrogatories to all 7 defendants; Begin drafting Requests for Admission to Defendants; Begin drafting Demand for POD to all 7 defendants." Salinas was billed \$375 for this time.
32. The billing records stated that on May 3, 2017, a paralegal spent two hours on "Travel to law library and research special interrogatories to be used with Breach of Contract and elements of Contract, Covenant of Good Faith and Fair Dealing and elements of same; Begin drafting additional Special Interrogatories." Salinas was billed \$250 for this time.
33. The billing records stated that on May 4, 2017, a paralegal spent two hours on "Finish drafting Special Interrogatories, Set One, resulting in an 18-page document; Present to MLR for review and revision." Salinas was billed \$250 for this time.
34. Respondent did not propound any discovery on behalf of Salinas in his case. The total amount that respondent billed Salinas for paralegal time working on discovery was \$875. Respondent knew, when she provided billing records to Salinas on November 8, 2017, that no discovery had been propounded in his case.
35. In November 2017, Salinas hired attorney Thomas Hogan to substitute into the case. Hogan reviewed the client file that respondent provided to Salinas on November 8, 2017, and he discovered that the file was missing the receipts for the meat deliveries that were central to the case. Hogan also discovered that respondent had billed Salinas for discovery that had not been propounded.
36. When Hogan took over the case, respondent had still not filed the amended complaint dismissing the individual defendants. Hogan filed the amended complaint on December 5, 2017.
37. On November 18, 2017, Salinas petitioned the Bar Association of San Francisco ("BASF") for resolution of a fee dispute with respondent. On May 18, 2018, respondent and Salinas resolved the fee dispute through a settlement agreement in which respondent agreed to refund an additional \$3,000 to Salinas, for a total refund of \$11,145.

CONCLUSIONS OF LAW:

38. By failing to appear at two CMCs, failing to file an amended complaint, failing to propound discovery, and failing to prosecute the case from October 2016 to October 2017, respondent failed to perform legal services competently for her client, Miguel Salinas, in willful violation of the Rules of Professional Conduct, former rule 3-110(A).
39. By failing to respond to approximately 20 telephonic reasonable status inquiries made by Salinas and his wife, Nhu Hong, on behalf of Salinas between April 2016 and October 2017, respondent

failed to respond promptly to reasonable status inquiries by a client, in willful violation of Business and Professions Code, section 6068(m).

40. By collecting \$875 from Salinas for the preparation of form interrogatories and special interrogatories which were not propounded in his case, respondent collected attorney's fees for services that had no value to the client and were disproportionate to the services rendered, and involved overreaching of her client, and thereby collected an unconscionable fee, in willful violation of Rules of Professional Conduct, former rule 4-200(A).
41. By providing Salinas with an accounting of work performed on his case which included \$875 for preparation of form interrogatories and special interrogatories, which respondent knew had not been propounded in that case, respondent provided a false and fraudulent billing statement, an act involving moral turpitude, in willful violation of Business and Professions Code, section 6106.

Case No. 18-O-12166 (State Bar Investigation)

FACTS:

42. Between August 1, 2017 and November 30, 2018, respondent maintained a client trust account at Bank of America, #####0008 on behalf of clients ("Bank of America CTA"). Between August 1, 2017, and May 11, 2018, respondent maintained a client trust account at Tri Counties Bank, #####1417 on behalf of clients ("Tri Counties CTA").
43. Between August 1, 2017, and November 30, 2018, respondent did not monitor her Bank of America CTA and her Tri Counties CTA. Respondent delegated responsibility for managing the trust accounts to her office bookkeeper, who failed to reconcile the accounts and failed to maintain client funds in trust. Respondent failed to maintain a written ledger for each client, failed to maintain a written journal for each bank account, and failed to maintain records of monthly reconciliations of the Bank of America CTA and the Tri Counties CTA, as required by rule 1.15(d)(3) and former rule 4-100(B) of the Rules of Professional Conduct.
44. In April 2007, respondent filed a civil action on behalf of Francisco Gonzalez and Herlinda Martinez against the City of Riverbank and Carrera Construction, *Francisco Gonzalez et al. v. City of Riverbank et al.*, Stanislaus Superior Court Case No. 614551.
45. On May 7, 2017, the Superior Court granted a motion by respondent for an award of attorney's fees, finding that plaintiffs were the prevailing party against Carrera Construction, and awarding plaintiffs \$153,182 in attorneys' fees. Later that month, respondent and Carrera Construction negotiated an agreement that Carrera Construction would pay \$150,000 to respondent as the total amount of attorneys' fees owed in the case.
46. On June 7, 2017, Chase Bank issued a cashier's check on behalf of Hilario Carrera in the amount of \$150,000, made payable to Herlinda Gonzalez, Francisco Gonzalez, and Mina Ramirez. On August 9, 2017, respondent deposited the check in her Bank of America CTA. The \$150,000 payment from Hilario Carrera belonged to respondent as attorney's fees.

47. Respondent failed to withdraw the \$150,000 that belonged to her as attorney's fees from the Bank of America CTA at the earliest reasonable time after respondent's interest in the funds became fixed. Respondent withdrew approximately \$35,082 of her funds in the first 30 days, and approximately \$34,527.50 of her funds over the following 30 days, thereby leaving approximately \$80,390 of her funds in the Bank of America CTA as of October 9, 2017. Respondent continued to withdraw the remaining balance of her funds incrementally until, in February 2018, her personal funds were no longer in the Bank of America CTA.
48. On March 1, 2016, respondent filed a premises liability case on behalf of Maria Corona against Macy's department store, *Maria Corona v. Macy's Inc.*, Stanislaus Superior Court Case No. 2018992.
49. In or about September 2017, respondent settled Corona's case for \$3,000. On September 6, 2017, Macy's Corporate Services issued a check for settlement funds in the amount of \$3,000 made payable to "Law Office of Mina L. Ramirez as Attorney and their client, Maria Corona." On November 13, 2017, respondent received and deposited the check into her Tri Counties CTA. Corona was entitled to \$1,000 of the settlement funds, respondent was entitled to \$1,000, and \$1,000 was owed to a Medicare lien.
50. After respondent deposited the \$3,000 check into her Tri Counties CTA, an office assistant erroneously marked the file as closed, and the file was placed in storage.
51. On January 10, 2018, the balance on respondent's Tri Counties CTA fell to \$436.28, although she had not distributed any funds to Corona. Respondent failed to hold Corona's funds in her CTA because respondent's bookkeeper was not reconciling the CTA between November 2017 and January 2018, and respondent failed to adequately supervise her bookkeeper and the trust accounts during that time period.
52. In September 2018, respondent located the Corona file in storage. On April 3, 2019, respondent issued a cashier's check to Corona for \$1,500, which included Corona's \$1,000 share of the settlement funds and an additional \$500 to compensate Corona for the delay in disbursing the funds.
53. On September 8, 2015, respondent filed an automobile personal injury action on behalf of Sara and Jose Gonzalez against Katelynn Staack, *Sara Gonzalez et al. v. Katelynn Staack et al.*, Stanislaus Superior Court Case No. 2016873.
54. In or about March 2018, respondent settled the case on behalf Sara and Jose Gonzalez for \$60,000. On March 7, 2018, Nationwide Insurance issued a check for settlement funds in the amount of \$60,000 made payable to "Law Office of Mina Ramirez and Sara Gonzalez and Jose Gonzalez." On March 15, 2018, respondent received and deposited the check into her Bank of America CTA. Of the \$60,000 settlement, Sara Gonzalez was entitled to \$20,594.34, and Jose Gonzalez was entitled to \$500.
55. On April 25, 2018, the balance on respondent's Bank of America CTA fell to \$6,604.82, although she had not distributed any funds to Sara or Jose Gonzalez. Respondent failed to hold Sara and Jose Gonzalez' funds in her CTA because respondent's bookkeeper was not reconciling

the CTA between March and April 2018, and respondent failed to adequately supervise her bookkeeper and the trust accounts during that time period.

56. On July 3, 2018, respondent issued a check to Sara Gonzalez for \$20,594.34 and a check to Jose Gonzalez for \$500.

CONCLUSIONS OF LAW:

57. By failing to adequately supervise her office staff between August 2018 and November 2018, failing to maintain an accounting system during that time period, and failing to maintain complete records of her Bank of America CTA and the Tri Counties CTA during that time period, respondent breached her fiduciary duty to safeguard client funds, and thereby committed an act involving moral turpitude through gross negligence, in willful violation of Business and Professions Code, section 6106.
58. By failing to maintain a written ledger for each client between August 2018 and November 2018, failing to maintain a written journal for each bank account during that time period, and failing to maintain records of monthly reconciliations of respondent's client trust accounts during that time period, respondent failed to maintain complete records of all funds, securities, and other properties of clients coming into respondent's possession, in willful violation of Rules of Professional Conduct, rule 1.15(d)(3) and former rule 4-100(B)(3).
59. By failing to withdraw the \$150,000 respondent received for her attorney's fees in the Gonzalez matter that belonged to respondent at the earliest reasonable time after respondent's interest in the funds became fixed, by leaving \$80,390 in personal funds in the Bank of America CTA between August 9, 2017, and October 9, 2017, and by failing to completely withdraw her personal funds until February 2018, respondent commingled funds belonging to respondent into respondent's Bank of America CTA, in willful violation Rules of Professional Conduct, former rule 4-100(A).
60. By allowing the balance of her Tri Counties CTA to decrease to \$436.28 on January 10, 2018, prior to disbursing any funds to her client, Maria Corona, that her client was entitled to receive, and by failing to supervise her bookkeeper, who did not reconcile the CTA between November 2017 and January 2018, respondent misappropriated \$1,563.72 from her client and her client's lienholder through gross negligence, and thereby committed an act involving moral turpitude, in willful violation of Business and Professions Code, section 6106.
61. By allowing the balance of her Tri Counties CTA to decrease to \$436.28 on January 10, 2018, prior to disbursing any funds to her client, Maria Corona, that her client was entitled to receive, respondent failed to maintain a balance of \$2,000 on behalf of her client and her client's lienholder in respondent's Tri Counties CTA, in willful violation of Rules of Professional Conduct, former rule 4-100(A).
62. By allowing the balance of her Bank of America CTA to decrease to \$6,604.82 on April 25, 2018, prior to disbursing any funds to her clients, Sara and Jose Gonzalez, that her clients were entitled to receive, and by failing to supervise her bookkeeper, who did not reconcile the CTA between March and April 2018, respondent misappropriated \$14,489.52 from her clients through

gross negligence, and thereby committed an act involving moral turpitude, in willful violation of Business and Professions Code, section 6106.

63. By allowing the balance of her balance on her Bank of America CTA to decrease to \$6,604.82 on April 25, 2018, prior to disbursing any funds to her clients, Sara and Jose Gonzalez, that her clients were entitled to receive, respondent failed to maintain a balance of \$21,094.34 on behalf of her clients in respondent's Bank of America CTA, in willful violation of Rules of Professional Conduct, former rule 4-100(A).

Case No. 18-O-15110 (Complainant: Javier Fuentes)

FACTS:

64. On November 28, 2016, respondent filed a petition for marital dissolution in Stanislaus County on behalf of her client, Guadalupe Fuentes ("Guadalupe"), against Guadalupe's ex-husband, Javier Fuentes. Guadalupe and Fuentes had divorced in October 2016 in Mexico, but Guadalupe filed a divorce action in California because she wanted possession of a house that Guadalupe and Fuentes owned in Turlock.
65. On April 18, 2017, Fuentes' attorney, Bernie Kempen, filed a motion to quash the petition for marital dissolution on the ground that Guadalupe and Fuentes were already divorced in Mexico.
66. On June 14, 2017, the court granted the motion to quash but gave respondent leave to amend the petition. The court found that the divorce judgment in Mexico did not adjudicate the parties' property in Turlock, and therefore the Stanislaus Superior Court had jurisdiction to adjudicate the ownership of that residence. The court ordered respondent to file an amended petition within 15 days, by June 29, 2015, omitting a cause of action for dissolution of marriage, so that the issue of the Turlock property could be resolved. Respondent received notice of the court's order and knew that the court ordered respondent to file an amended petition by June 29, 2015.
67. Respondent, however, failed to file an amended petition by June 29, 2015. She filed the amended petition with the court on August 15, 2017, but failed to file a proof of service.
68. On September 1, 2017, Kempen filed a Request for Order to have an appraiser appointed by the court and to have the property awarded to Fuentes. A CMC and hearing on the Request for Order was set for September 22, 2017.
69. On September 22, 2017, respondent's associate, Roksana Bidgoli, appeared for respondent. The court continued the Request for Order to October 30, 2017, and set a further CMC for February 2, 2018. In the court's CMC order, the court ordered respondent to file the proof of service for the amended petition. Respondent received the court's CMC order and knew that the court ordered respondent to file the proof of service for the amended petition. Respondent failed to file a proof of service for the amended petition, as ordered.
70. On October 30, 2017, Bidgoli appeared for respondent. The court ordered the parties to complete preliminary declarations of disclosures within 30 days, by November 29, 2017, and continued the hearing on the Request for Order and further CMC to January 22, 2018.

Respondent received notice of the court's order and knew that the court ordered respondent to complete and serve her client's preliminary declarations of disclosure by November 29, 2017.

71. Kempen served his client's declaration of disclosure on respondent on November 20, 2017. Respondent failed to serve her client's declaration of disclosure on Kempen until March 22, 2018.
72. On January 22, 2018, Bidgoli appeared for respondent. The court ordered the parties to meet and confer regarding a choice of appraiser before the next CMC, which was set for February 2, 2018. Respondent received notice of the court's order and knew that the court ordered respondent to appear at a CMC on February 2, 2018.
73. On February 2, 2018, respondent failed to appear at the CMC. The court issued an order to show cause ("OSC") for respondent and her client to appear on March 2, 2018, to show cause why she failed to appear on February 2, 2018, and to show cause why the case should not be dismissed for failure to prosecute. The court also noted that respondent had not filed the preliminary declaration of disclosure and ordered respondent to file the declaration within 21 days, by February 23, 2018. Respondent received notice of the court's order and knew that the court ordered respondent to appear at the OSC on March 2, 2018, and that the court ordered respondent to file the declaration of disclosure by February 23, 2018.
74. On March 2, 2018, respondent sent an associate, Kenneth Stanton, to cover the OSC without the client. Stanton did not know the case was on for an OSC and did not know the status of the case. Respondent had still not filed the declaration of disclosure. The court issued another OSC for April 6, 2018, and again ordered respondent to file the declaration of disclosure within 21 days. Respondent filed the declaration of disclosure on March 22, 2018.

CONCLUSIONS OF LAW:

75. By failing to comply with the June 14, 2017 order that respondent file an amended petition within 15 days, failing to comply with the September 22, 2017 order that respondent file a proof of service for the first amended petition, failing to comply with the October 30, 2017 order that respondent file her client's preliminary declaration of disclosure within 30 days, failing to comply with the January 22, 2018 order that respondent appear on February 2, 2018 for a CMC, failing to comply with the February 2, 2018 order that respondent appear on March 2, 2018 with her client for an OSC hearing, and failing to comply with the February 2, 2018 order that respondent file her client's preliminary declaration of disclosure within 21 days, when respondent knew of these orders, respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear, and which respondent knew was final and binding, in willful violation of section 6103 of the Business and Professions Code.

Case No. 19-O-911648 (Complainant: Inez Ramirez)

FACTS:

76. On July 19, 2018, Inez Ramirez hired respondent to represent her in a child custody matter and a restraining order matter. Ramirez paid respondent \$3,500 in advance fees for the representation.

77. On November 26, 2018, Ramirez terminated the representation and asked respondent to provide an accounting and refund of any unearned fees. Respondent's office staff told Ramirez that she would receive an accounting and a refund of any unearned fees in the mail.
78. On December 17, 2018, Ramirez contacted respondent's office to inquire about the status of her accounting and refund, because Ramirez had not received an accounting. Respondent's secretary told Ramirez that he would tell the bookkeeper that Ramirez was still waiting for her accounting.
79. On January 17, 2019, Ramirez sent an email to respondent and to the paralegal assigned to her case, stating that she was still waiting for her accounting and refund. Ramirez did not receive a response to her email.
80. On January 22, 2019, Ramirez filed a State Bar complaint against respondent because she had still not received an accounting and refund.
81. On March 19, 2019, respondent sent Ramirez an accounting, which showed that Ramirez was entitled to a return of \$779 in unearned fees. Respondent enclosed a check to Ramirez for \$779, which Ramirez successfully deposited into her bank account.

CONCLUSIONS OF LAW:

82. By failing to refund to Ramirez until March 19, 2019, the \$779 in advanced fees that respondent had not earned, following Ramirez' request for a refund and accounting on November 26, 2018, respondent failed to refund promptly unearned fees to her client, in willful violation of the Rules of Professional Conduct, rule 1.16(e)(2).
83. By failing to render an accounting until March 19, 2019, of Ramirez' \$3,500 fees, following Ramirez' request for a refund and accounting on November 26, 2018, respondent failed to promptly render an appropriate accounting to a client regarding the client's funds, in willful violation of the Rules of Professional Conduct, rule 1.15(d)(4).

Case No. 18-O-10402 (Complainant: Sergio Sosa)

Respondent pleads nolo contendere to the following facts and violations in Case No. 18-O-10402. (See rule 5.56(B) of the Rules of Procedure and Business and Professions Code section 6085.5.) Respondent understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of her culpability of the statutes and/or Rules of Professional Conduct specified herein.

FACTS:

84. On November 5, 2012, Sergio Sosa hired respondent to represent him in his divorce case, *In re Marriage of Sosa*, San Joaquin Superior Court Case No. FL-377016. Sosa's wife, Lourdes Sosa ("Lourdes"), was unrepresented at the time.

85. On April 18, 2015, Sosa and Lourdes signed a Memorandum of Understanding and a Stipulation for Judgment, in which they waived their rights to spousal support and agreed to a division of community property. Neither document was filed with the court.
86. On September 10, 2015, Lourdes hired attorney Jessica Dorn, who wrote to respondent that her client wished to revoke the Memorandum of Understanding on the grounds that respondent had not provided Lourdes with Sosa's Declaration of Disclosure ("Disclosure") regarding all assets and liabilities as required under Family Code section 2100(c).
87. On September 24, 2015, Sosa signed the Disclosure, which respondent faxed to Dorn on November 3, 2015. Respondent failed, however, to file a proof of service of the Disclosure with the court as required.
88. On October 8, 2015, Dorn filed a motion with the court for an order finding the April 18, 2015 agreement to be "grossly unjust." Dorn also moved for spousal support and for an accountant to be hired to appraise the community property.
89. On November 5, 2015, the court found that the Stipulation for Judgment signed on April 18, 2015 was unenforceable due to respondent's failure to produce the Disclosure to Lourdes. The court ordered that Sosa pay Lourdes spousal support each month and ordered an appraisal of the community property.
90. On January 6, 2016, Dorn sent respondent a fax stating that while she had received Sosa's Disclosure in November, respondent still needed to file a Declaration re Service of Declaration of Disclosure ("Declaration re Service") with the court. The fax asked respondent to file the Declaration re Service at her earliest convenience. Respondent received the January 6, 2016 fax from Dorn.
91. On November 7, 2016, Dorn filed an At-Issue Memorandum with the court to have the case set for trial. On November 24, 2016, the court issued notice to the parties that because respondent had not filed the Declaration re Service, the case was not "at-issue" and could not be set for trial. Respondent received the notice from the court that the case was not "at-issue" because respondent had not filed the Declaration re Service.
92. On November 29, 2016, Dorn sent respondent a letter asking her again to file the Declaration re Service, noting that the case could not be set for trial until it was filed, and advising respondent that Dorn would file a motion to compel if respondent did not file the declaration. Respondent received the November 29, 2016 letter from Dorn. Subsequently, respondent failed to file the Declaration re Service.
93. On January 12, 2017, Dorn sent respondent another letter, including a copy of the Declaration re Service that respondent needed to sign, a copy of the Disclosure that respondent had produced to Dorn in November 2015, and a postage-paid return envelope for the Declaration re Service. Dorn told respondent that if she signed the declaration and sent it back, Dorn would file it with the court for her. Respondent received the January 12, 2017 letter from Dorn. Subsequently, respondent failed to send Dorn the Declaration re Service.

94. On February 28, 2017, the parties filed a Stipulation and Order re Bifurcation of Marital Status, in an attempt to resolve the divorce. On March 9, 2017, the court rejected it because the Declaration re Service had not been filed.

95. On April 28, 2018, respondent filed the Declaration re Service with the court.

CONCLUSIONS OF LAW:

96. By failing to serve the other party with Sosa's Declaration of Disclosure before September 24, 2015, and by failing to file a Declaration regarding Service of Declaration of Disclosure with the court for over a year after the Declaration of Disclosure was served on the other party on November 3, 2015, respondent intentionally, recklessly, and repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, former rule 3-110(A).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b).): Respondent committed multiple acts of misconduct in nine client matters. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631 [three instances of misconduct constitute multiple acts of misconduct].)

Pattern of Misconduct (Std. 1.5(c).): Respondent's misconduct in nine client matters over a three year period is a pattern of misconduct. The acts of misconduct were similar, as respondent repeatedly failed to promptly return unearned fees and render an accounting. (See *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498 at 555 and 566. [repeated, similar acts of misconduct over a two and a half years considered serious aggravation].)

Significant Harm (Std. 1.5(j).): Respondent failed to return \$5,435 in unearned fees to Maria Buenrostro for a year, and Buenrostro paid monthly interest on the credit card charge while she was waiting for respondent to return the unearned fees. Respondent failed to return \$1,085 in unearned fees to Mohamed Elemeiry for 16 months, and failed to return \$1,750 in unearned fees to Gonzalo Gomez for four months. Respondent failed to disburse settlement funds of \$2,000 to Maria Corona for over a year. Respondent failed to disburse settlement funds of \$20,594.34 to Sara Gonzalez for four months. (See *In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, 409, 413 [significant client harm for six-month delay in distributing \$5,618.25 in medical malpractice settlement proceeds].)

MITIGATING CIRCUMSTANCES.

Good Character: Respondent has provided 11 letters from members of the legal and general community, including clients and four attorneys. The letter writers express that they are familiar with respondent and aware of respondent's misconduct, but nevertheless attest to respondent's good moral character and legal ability. (See *In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319, citing *Feinstein v. State Bar of Cal.* (1952) 39 Cal.2d 541, 546 [reference letters from attorneys are entitled to considerable weight].)

No Prior Record of Discipline: Respondent was admitted to the practice of law in California on June 13, 1985, and has no prior record of discipline. Respondent is entitled to significant mitigation for having practiced law for 30 years without discipline. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

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.) The standards help fulfill the primary purpose 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 discipline 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 lesser 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 2.7(a) states that disbarment is the presumed sanction for performance, communication, or withdrawal violations demonstrating habitual disregard of client interests. “The degree of sanction depends on the extent of the misconduct and the degree of harm to the client or clients.” (Std. 2.7.) Here, respondent failed to perform in six matters and misappropriated funds in two other matters, which demonstrates a pattern of misconduct and habitual disregard of client interests. (See *Lester v. State Bar* (1976) 17 Cal.3d 547 [failure to perform in four client matters demonstrates habitual disregard, resulting in six month actual suspension].)

Standard 2.11 states that disbarment or actual suspension is the presumed sanction for an act of moral turpitude, and an attorney’s “gross inattention” to the safeguarding of client funds constitutes moral turpitude. (*In Re Malek-Yonan* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 627, 630.) While moral turpitude generally requires a certain level of intent, “the law is clear that where an attorney's fiduciary

obligations are involved, particularly trust account duties, a finding of gross negligence will support such a charge.” (*In the Matter of Blum, supra*, 4 Cal. State Bar Ct. Rptr. 403, 410.)

Standard 2.1(b) states that actual suspension is the presumed sanction for misappropriation involving gross negligence. “The mere fact that the balance in an attorney's trust account has fallen below the total of amounts deposited in and purportedly held in trust, supports a conclusion of misappropriation.” (*Giovanazzi v. State Bar* (1980) 28 Cal.3d 465, 474.)

In *In the Matter of Guzman*, an attorney was culpable of 24 counts of misconduct in four client matters, including two counts of misappropriation of client funds totaling \$8,646.34 and two counts of moral turpitude. The court found that the misappropriation was the result of gross negligence amounting to recklessness because the attorney failed to monitor his CTA or his office staff. In aggravation, the court found multiple acts of misconduct, significant harm, and indifference towards the consequences of his misconduct. In mitigation, the court found no prior record of discipline in eight years of practice and cooperation with the State Bar. The Review Department recommended disbarment, finding that the attorney’s “habitual disregard of his duties as an attorney and his attendant lack of recognition and remorse” indicated a high risk of future misconduct. (*In Matter of Guzman* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 308.)

In *In the Matter of Steele*, an attorney’s reckless law office management and lack of CTA oversight for more than two years resulted in misappropriation of over \$25,000. The attorney committed multiple other acts of misconduct in nine client matters, including aiding in the unauthorized practice of law, splitting fees with a non-attorney, failing to deposit client funds in trust, failing to notify clients of receipt of settlement funds, and commingling. In aggravation, the court found lack of candor and multiple acts of misconduct. In mitigation, the court gave low weight to several factors including character witnesses, office management reforms, restitution, and recognition of wrongdoing. The Review Department recommended disbarment. (*In the Matter of Steele* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 708.)

In *Malek-Yonan*, the attorney abdicated her responsibility to properly supervise her CTA, which enabled her office staff to steal \$1.7 million over one and one-half years. The attorney allowed her bookkeeper to sign checks from her CTA with a rubber stamp of her signature, and she never reviewed the account statements, compared settlement checks with deposits, or reconciled her CTA. The Review Department found that the attorney breached her fiduciary duty to safeguard client funds and was therefore culpable of moral turpitude. The attorney was also culpable of failing to perform legal services competently and threatening to present a criminal charge to gain an advantage in a civil case. In aggravation, the attorney’s misconduct significantly harmed a large number of clients, and her continuous disregard for her trust account duties over one and one-half years constituted multiple acts of wrongdoing. In mitigation, the attorney had no prior record of discipline in 17 years of practice. The Review Department recommended that the attorney be actually suspended for 18 months with five years of probation. (*In Re Malek-Yonan, supra*, 4 Cal. State Bar Ct. Rptr. 627.)

Here, like the attorneys in *Guzman*, *Steele*, and *Malek-Yonan*, respondent failed to supervise her staff or monitor her CTA, which led to misappropriations by gross negligence. While the court recommended disbarment in *Guzman* and *Steele*, Respondent has factors in mitigation that were not present in those cases. Respondent submitted 11 letters attesting to her good character, and she entered into a stipulation before trial. Respondent also has 30 years of practice without a prior record of discipline. In *Guzman*, the attorney had eight years of practice without a prior record of discipline, and in *Steele*, the attorney

received no mitigation for practicing without a prior record of discipline. In *Malek-Yonan*, an attorney with no prior record of discipline in 17 years of practice received an 18-month actual suspension based on misappropriations by gross negligence, but respondent committed more misconduct, having failed to perform in nine client matters. A two-year actual suspension in this case is consistent with the cases involving misappropriation by gross negligence.

Respondent's failures to perform, communicate, account, and refund unearned fees also support the two-year actual suspension here. In *Martin v. State Bar*, an attorney received a one-year actual suspension for a serious pattern of misconduct for failing to perform in six matters. She failed to perform in all six cases, failed to communicate with her clients in five of the six matters, and misrepresented the status of pending legal matters to three clients. The attorney had no prior record of discipline in 25 years of practice. The Supreme Court found that the attorney's actions showed "a serious pattern of misconduct" and ordered a one year actual suspension with two years of probation. (*Martin v. State Bar* (1978) 20 Cal.3d 717, 723.)

Here, respondent committed misconduct in nine client matters. In four matters, respondent failed to promptly provide an accounting and return unearned fees. She failed to communicate in three matters, failed to perform competently in two matters, and failed to obey six court orders in one matter. Respondent did not misrepresent the status of a case to a client like the attorney in *Martin*, but respondent billed a client \$875 for work that had no value, which constitutes moral turpitude. Furthermore, respondent's grossly negligent management of her office and trust account led to two misappropriations of client funds of \$14,489 and \$1,563, and a significant commingling violation. Because respondent committed misconduct in three more client matters than the attorney in *Martin*, and misappropriated funds in two of the matters and commingled funds, the one-year actual suspension in *Martin* is not appropriate here. A two-year actual suspension in this case is consistent with *Martin* and the cases involving misappropriation by gross negligence.

On balance, a two-year actual suspension, and until respondent demonstrates proof of her rehabilitation, fitness to practice, and present learning and ability in the law pursuant to Standard 1.2(c)(1), with three years of probation and requirements that respondent attend State Bar Ethics School and Trust Account School, will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 12, 2019, the discipline costs in this matter are \$11,228. 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



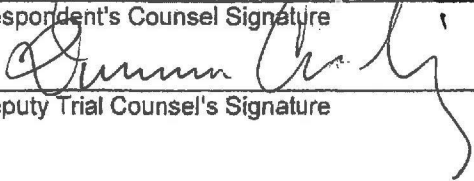
Respondent may not receive MCLE credit for completion of State Bar Ethics School ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: MINA LEE RAMIREZ	Case Number(s): 17-O-00962-MC, 17-O-04304, 17-O-06062, 17-O-07381, 18-O-10402, 18-O-12166, 18-O-15110, 19-O-911648 (inv)
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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>4/16/19</u> Date	<u></u> Respondent's Signature	<u>Mina Lee Ramirez</u> Print Name
<u>4/17/19</u> Date	<u></u> Respondent's Counsel Signature	<u>Alison Buchanan</u> Print Name
<u>4/17/19</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Duncan Carling</u> Print Name

(Do not write above this line.)

In the Matter of: MINA LEE RAMIREZ	Case Number(s): 17-O-00962-MC, 17-O-04304, 17-O-06062, 17-O-07381, 18-O-10402, 18-O-12166, 18-O-15110, 19-O-911648 (inv)
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SIGNATURE OF THE PARTIES

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4/16/19 Date	 Respondent's Signature	Mina Lee Ramirez Print Name
4/17/19 Date	 Respondent's Counsel Signature	Alison Buchanan Print Name
Date	Deputy Trial Counsel's Signature	Duncan Carling Print Name

(Do not write above this line.)

In the Matter of: MINA LEE RAMIREZ	Case Number(s): 18-O-10402
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Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedure of the State Bar. The applicable provisions are set forth below:

Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the member culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based.

Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) Contents. A proposed stipulation to facts, conclusions of law, and disposition must comprise:

[¶] . . . [¶]

(5) a statement that the member either:

- (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (b) pleads nolo contendere to those facts and misconduct;

[¶] . . . [¶]

(B) Plea of Nolo Contendere. If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

Date 4/16/19
Respondent's Signature 
Print Name Mina Lee Ramirez

(Do not write above this line.)

In the Matter of: MINA LEE RAMIREZ	Case Number(s): 17-O-00962; 17-O-07381; SBC-19-O-30168
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ACTUAL SUSPENSION ORDER

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

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

Throughout the Stipulation, case No. "19-O-911648 (inv)" is deleted and "SBC-19-O-30168" is inserted.

On page 19 of the Stipulation, after "Case No. 18-O-12166," "(State Bar Investigation)" is deleted.

On page 26 of the Stipulation, under the heading "Multiple Acts of Wrongdoing," "nine" is deleted and "eight" is inserted.

On page 26 of the Stipulation, under the heading "Pattern of Misconduct," "nine" is deleted and "eight" is inserted.

On page 27 of the Stipulation, paragraph 5, lines 2-3, " 'The degree of sanction depends on the extent of the misconduct and the degree of harm to the client or clients.' (Std. 2.7.)" is deleted.

On page 29 of the Stipulation, paragraph 2, line 1, "nine" is deleted and "eight" is inserted.

On page 29 of the Stipulation, paragraph 2, line 8, "three" is deleted and "two" 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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

Date

May 15, 2019


PAT E. McELROY, JUDGE PRO TEM
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 May 15, 2019, 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 San Francisco, California, addressed as follows:

ALISON P. BUCHANAN
HOGE FENTON JONES & APPEL, INC
60 S MARKET ST STE 1400
SAN JOSE, CA 95113 - 2396

by certified mail, No., with return receipt requested, through the United States Postal Service at, California, addressed as follows:

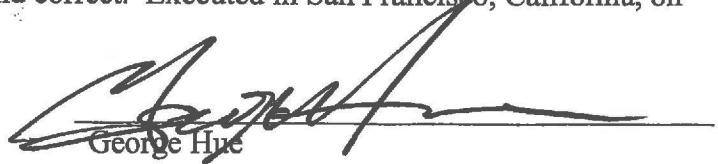
by overnight mail at , California, addressed as follows:

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Duncan Carling, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 15, 2019.


George Hye
Court Specialist
State Bar Court