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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		kwiktag® 241 070 966 
Counsel for the State Bar Kristina B. Ramos Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1304 Bar # 309991	Case Number(s): 18-H-16384	For Court use only PUBLIC MATTER FILED  JAN 15 2019 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Ian Michael Jones 1004 West Covina Parkway, #424 West Covina, CA 91790 (707) 409-0402 Bar # 273453	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: EDELMIRA MEDINA Bar # 285577 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 **December 3, 2012**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **14** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (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.
 - 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-half of the costs must be paid with Respondent's membership fees for each of the following years: 2020, 2021.
- 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: **16-O-14099-YDR, et al. See page 10, and Exhibit 1, 24 pages.**
 - (b) Date prior discipline effective: **July 4, 2017.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, former rules 3-110(A), 4-100(B)(3); Business and Professions Code, section 6068(i).**
 - (d) Degree of prior discipline: **Public reproof. See Exhibit 1, page 1.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.

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- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of 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 10.**
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Physical Difficulties. See page 10.

Spontaneous Candor and Cooperation. See page 11.

Prefiling Stipulation. See page 11.

D. Recommended Discipline:

Stayed Suspension:

Respondent is suspended from the practice of law for **one (1) year**, the execution of that suspension is stayed, and Respondent is placed on probation for **one (1) year** with the following conditions.

- (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 **Respondent completed Ethics School and passed the test on April 3, 2018. (See rule 5.135(A) Rules Proc. of State Bar [attendance at Ethics School not required where the attorney completed Ethics School within the prior two years].)**
- (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:
- (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

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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.

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

- (1) **Multistate Professional Responsibility Examination Within One Year:** 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 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 **On December 17, 2018, Respondent provided proof of passage of the MPRE, taken November 10, 2018, as ordered by the State Bar Court in State Bar case no. 16-O-14099-YDR, et al. (See In the Matter of Trousil (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244 [MPRE not required where the attorney was already ordered to take the examination as part of a previous disciplinary proceeding].)**
- (3) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: EDELMIRA MEDINA

CASE NUMBER: 18-H-16384

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. 18-H-16384

FACTS:

1. On June 5, 2017, respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition (“Stipulation”) with the State Bar of California in case no. 16-O-14099-YDR, *et al.*
2. In the Stipulation, respondent agreed, *inter alia*, to the following conditions of reprobation:
 - a. Submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reprobation, stating under penalty of perjury whether she had complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reprobation during the preceding calendar quarter;
 - b. Submit a final report to the Office of Probation, containing the same information, due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period; and
 - c. Provide proof of passage of the Multistate Professional Responsibility Examination (“MPRE”) to the Office of Probation within one year of the effective date of the reprobation.
3. The Stipulation was filed on June 13, 2017, and the Reprobation Order became effective on July 4, 2017.
4. On June 27, 2017, the Office of Probation uploaded a letter to respondent’s State Bar private member profile page outlining the terms of her reprobation. On the same day, respondent received an email from the Office of Probation informing her that the reminder letter had been uploaded to her State Bar private member profile page.
5. On August 1, 2017, respondent participated in a meeting with a State Bar Probation Deputy, as was also required under the terms of her reprobation. At the meeting, respondent was reminded of her reprobation conditions including the requirements to timely submit quarterly reports, timely submit a final report, and provide proof of passage of the MPRE within one year of the effective date of the Reprobation Order. Respondent was informed that performing a condition even one day late would result in non-compliance with her reprobation conditions.

6. On October 6, 2017, respondent timely filed her quarterly report due on or by October 10, 2017, covering the July 4, 2017 to September 30, 2017 reporting period.
7. On January 18, 2018, respondent contacted the Office of Probation by telephone and left a voice message indicating that she forgot to timely submit her quarterly report due on January 10, 2018 because she had recently given birth. From January 22, 2018 to January 23, 2018, respondent exchanged emails with the Office of Probation, who informed her that the quarterly report due on January 10, 2018 had not been timely submitted, and that as a result, she was not in compliance with her reprobation conditions.
8. On January 23, 2018, respondent untimely filed her quarterly report due on or by January 10, 2018, covering the October 1, 2017 to December 31, 2017 reporting period.
9. On April 4, 2018, respondent timely filed her quarterly report due on or by April 10, 2018, covering the January 1, 2018 to March 31, 2018 reporting period. On her quarterly report filed April 4, 2018, respondent indicated that she had attended State Bar Ethics School on April 3, 2018 and taken the MPRE on March 24, 2018, but was awaiting results for both exams.
10. On April 9, 2018, respondent submitted an amended quarterly report for the January 1, 2018 to March 31, 2018 reporting period, attaching thereto proof of completion and passage of State Bar Ethics School. The quarterly report dated April 9, 2018 indicated that respondent was still awaiting results for the MPRE taken on March 24, 2018.
11. Respondent was required to file a final report on or by July 4, 2018 for the April 1, 2018 to July 4, 2018 reporting period. Instead, respondent submitted a quarterly report on July 3, 2018 covering the April 1, 2018 to June 30, 2018 reporting period.
12. On the quarterly report submitted on July 3, 2018, respondent indicated that she did not pass the MPRE taken on March 24, 2018 and was scheduled to retake the MPRE on November 10, 2018.
13. On July 5, 2018, the Office of Probation mailed and emailed a letter to respondent informing her of her non-compliance with her reprobation conditions. Specifically, respondent was informed that she: (1) failed to timely file her quarterly report due on or by January 10, 2018; (2) failed to file a final report due on or by July 4, 2018; and (3) failed to provide proof of passage of the MPRE within one year of the effective date of the Reprobation Order in 16-O-14099-YDR, *et al.*
14. On October 22, 2018, respondent provided proof of registration for the MPRE administered on November 10, 2018.
15. On November 9, 2018, respondent filed her final report covering the April 1, 2018 to July 4, 2018 reporting period.
16. On November 10, 2018, respondent retook the MPRE.
17. On December 17, 2018, respondent provided the Office of Probation with proof of successful passage of the MPRE taken on November 10, 2018.

CONCLUSIONS OF LAW:

18. By failing to timely submit a written quarterly report to the Office of Probation by the due date of January 10, 2018; by failing to timely submit a compliant final report to the Office of Probation by the due date of July 4, 2018; and by failing to timely submit proof of passage of the MPRE to the Office of Probation by the due date of July 4, 2018, respondent failed to comply with the conditions attached to her public reproof in willful violation of Rules of Professional Conduct, former rule 1-110 (effective January 1, 1993 to October 31, 2018).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior record of discipline. In State Bar case no. 16-O-14099-YDR, *et al.*, respondent received a public reproof, effective July 4, 2017. In that case, respondent stipulated to culpability of four acts of misconduct in two client matters. In one client matter, respondent stipulated to culpability for violating Rules of Professional Conduct, former rule 4-100(B)(3) [failure to render an accounting] and Business and Professions Code 6068(i) [failure to cooperate in the State Bar investigation]. In the other client matter, respondent stipulated to culpability for violating Rules of Professional Conduct, former rule 3-110(A) [failure to perform legal services with competence] and Business and Professions Code 6068(i) [failure to cooperate in the State Bar investigation]. The misconduct occurred between 2013 and 2017. Respondent's misconduct was aggravated by her multiple acts of wrongdoing. Respondent received mitigation for entering into a pre-trial stipulation, physical and emotional difficulties, good character, and pro bono work.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's failure to timely file her quarterly report on or by January 10, 2018, failure to timely file her final report on or by July 4, 2018, and failure to timely provide the Office of Probation with proof of passage of the MPRE within one year of the Reproof Order in State Bar case no. 16-O-14099-YDR, *et al.* represent multiple acts of wrongdoing. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 647 [three instances of misconduct although not a pattern or practice are sufficient to support a finding that respondent engaged in multiple acts of misconduct].)

MITIGATING CIRCUMSTANCES.

Physical Difficulties: Between April 2017 and January 2018, respondent suffered complications from her pregnancy and cesarean delivery, which prevented her from being able to timely comply with her reproof conditions. According to respondent's medical doctor, during her pregnancy, respondent experienced significant nausea and vomiting, which required that respondent take medication that caused her drowsiness and fatigue. While delivering her child on November 27, 2017, respondent underwent an unplanned cesarean section, which further compromised respondent's health and physical well-being. When respondent untimely filed her quarterly report due January 10, 2018 on January 23, 2018, respondent was still recovering from the major surgery. Had it not been for respondent's complications caused by her pregnancy and delivery, respondent would have been better able to fully comply with her reproof conditions. Not only did respondent's physical ailments caused by her pregnancy and delivery prevent respondent from complying with her reproof conditions in a timely manner, but they also curtailed and limited her practice of law during the last six months of 2017. (*Read v. State Bar* (1990) 53 Cal.3d 394, 424-425 [domestic and health difficulties may be considered as mitigating circumstances].)

Spontaneous Candor and Cooperation: After realizing that she had failed to timely submit her quarterly report due on or by January 10, 2018, respondent promptly contacted the Office of Probation on January 18, 2018 and submitted her quarterly report on January 23, 2018, thirteen days after the due date. After also discovering that she had not properly submitted her final report due on or by July 4, 2018, respondent belatedly submitted her final report on November 9, 2018. Moreover, although respondent took the MPRE within one year of the Reapproval Order herein, she did not pass the MPRE and was unable to provide the State Bar proof of passage on or by July 4, 2018. However, respondent provided the State Bar with proof that she had registered to take the next available MPRE administered on November 10, 2018 and belatedly provided proof of passage of the MPRE on December 17, 2018. Instead of ignoring the filing deficiencies, respondent cooperated with the Office of Probation in attempt to come into compliance with her reapproval conditions by belatedly filing her quarterly and final reports and belatedly providing proof of passage of the MPRE, thus showing her candor and cooperation with the State Bar. (*In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646 [belated compliance with a probation condition may be considered as a mitigating factor in determining discipline].)

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

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

Standard 2.14 states that actual suspension is the presumed sanction for failing to comply with a condition of discipline and that the level of discipline depends on the nature of the violation and the attorney's unwillingness or inability to comply with disciplinary orders.

Because respondent has a prior record of discipline, Standard 1.8(a) must also be discussed. Standard 1.8(a) calls for progressive discipline if a member has a single prior record of discipline unless the prior discipline "was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." Here, respondent has one prior record of discipline consisting of a public reproof.

In the instant case, it would not be manifestly unjust to apply progressive discipline since respondent's prior misconduct was serious as respondent stipulated to four acts of misconduct in two client matters and because respondent committed the current misconduct within one year of her prior discipline becoming effective. (*In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628 [14 year old reproof found not remote where the discipline was imposed only 7 years prior to commission of current misconduct].) Considering the application of progressive discipline under Standard 1.8(a), discipline greater than respondent's prior public reproof must be imposed.

Respondent's misconduct, in failing to comply with three reproof conditions as ordered in State Bar case no. 16-O-14099-YDR, *et al.*, is aggravated by her multiple acts of misconduct and prior record of discipline. However, respondent's misconduct is mitigated by the fact that she attempted to come into compliance with her reproof conditions by belatedly filing her quarterly and final reports and by belatedly providing proof of passage of the MPRE to the Office of Probation. Respondent's misconduct is further mitigated by the physical difficulties she suffered as a result of her pregnancy and labor. When weighing respondent's misconduct against the aggravating and mitigating factors, a downward departure from the presumed sanction of actual suspension is appropriate. Accordingly, a one (1) year stayed suspension and one (1) year probation with conditions is warranted and necessary to protect the public, the courts, and the legal profession; to maintain high ethical standards; and to preserve public confidence in the profession.

Case law is instructive. In *In re Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, the Review Department recommended that the attorney be suspended for one year, stayed, with 30-days actual suspension, and that he be placed on probation for two years for violating his prior probation conditions—specifically, failing to timely make restitution and failing to attend Ethics School. In mitigation, the attorney was afforded some consideration for his attempts to comply with probation, including belatedly paying restitution. However, the Review Department declined to allocate extensive weight to the attorney's attempts since the record showed considerable effort and even pressure on the part of the State Bar to effect respondent's restitution payments. The Review Department placed significant emphasis on the attorney's failure to timely pay restitution, noting that the restitution requirement was centrally related to the trust account violations underlying his prior discipline. (*Id.* at pp. 574.) In aggravation, the Review Department considered the attorney's prior record of discipline, the repeated reminders and pressure needed by the State Bar for respondent to complete restitution, and respondent's improper use of his employer's name (the "Yolo County District Attorney's Office") in his State Bar pleadings, which the Review Department found was a "misrepresentation . . . of [his employer's] official participation" in his disciplinary proceedings. (*Id.* at p. 573.)

Here, as in *Gorman*, respondent failed to comply with probation conditions and has a prior record of discipline. Similar to the attorney in *Gorman*, respondent made attempts to comply with her probation

conditions; however, unlike the attorney in *Gorman*, respondent demonstrated considerable candor and cooperation in her attempts to comply with her probation conditions without significant effort or pressure from the State Bar. On balance, respondent's misconduct is less serious than in *Gorman* as the three conditions which respondent failed to comply with were not centrally related to her prior discipline, whereas the *Gorman* attorney's failure to pay restitution was of significant import to his prior trust account violations. (See also *In the Matter of Laden* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 678 ["We cannot emphasize enough the importance of timely restitution payments as central to the rehabilitative process"].) Respondent's misconduct also does not involve the additional aggravating factor of misrepresentation made by the attorney, as is present in *Gorman*. Thus, a level of discipline less than *Gorman* is recommended.

COSTS OF DISCIPLINARY PROCEEDINGS.

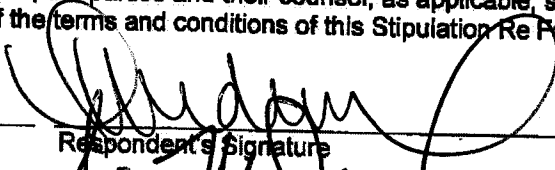


Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of December 18, 2018, the discipline costs in this matter are \$3,300. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: EDELMIRA MEDINA	Case Number(s): 18-H-16384
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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>12/18/2018</u> Date	 Respondent's Signature	<u>Edelmira Medina</u> Print Name
<u>12/18/2018</u> Date	 Respondent's Counsel Signature	<u>Ian Michael Jones</u> Print Name
<u>12/18/2018</u> Date	 Deputy Trial Counsel's Signature	<u>Kristina B. Ramos</u> Print Name

(Do not write above this line.)

In the Matter of: EDELMIRA MEDINA	Case Number(s): 18-H-16384
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STAYED 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.

On page of 10 of the Stipulation, in the Prior Record of Discipline paragraph, "The misconduct occurred between 2013 and 2017", is deleted and in its place is inserted, "The misconduct occurred between 2016 and 2017."

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 Jan 15, 2019

Pat E. McElroy
PAT E. McELROY, JUDGE PRO TEM
Judge of the State Bar Court

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles REPROVAL			PUBLIC MATTER
Counsel For The State Bar Alex Hackert Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1498 Bar # 267342	Case Number(s): 16-O-14099-YDR 16-O-17311 (Inv.)	For Court use only FILED JUN 13 2017 STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
Counsel For Respondent Jahzeel Osejo Lee & Osejo 17897 Macarthur Blvd Ste 205 Irvine, CA 92614 (949) 955-2445 Bar # 279483	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: EDELMIRA MEDINA Bar # 285577 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 **December 3, 2012**.
- (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 **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective April 1, 2016)

8/11/17

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
 - Case ineligible for costs (private reproof).
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **Two billing cycles immediately following the effective date of the State Bar Court order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

- (1) Prior record of discipline
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline

(Do not write above this line.)

- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See page 9.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigation and proceedings.

(Do not write above this line.)

- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation, see page 9-10.

Physical and Emotional Difficulties, see page 10.

Good Character, see page 10.

Pro Bono Work, see page 10.

D. Discipline:

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

E. Conditions Attached to Repeval:

- (1) Respondent must comply with the conditions attached to the reprobation for a period of one year.
- (2) During the condition period attached to the reprobation, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of reprobation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the reprobation conditions period, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reprobation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reprobation during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of reprobation with the probation monitor to establish a manner and schedule of compliance. During the reprobation conditions period, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reprobation.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

(Do not write above this line.)

(10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reproof.

No MPRE recommended. Reason:

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

Substance Abuse Conditions

Law Office Management Conditions

Medical Conditions

Financial Conditions

F. Other Conditions Negotiated by the Parties:

None.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: EDELMIRA MEDINA
CASE NUMBERS: 16-O-14099, 16-O-17311

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. 16-O-14099 (Complainant: Teresa Billingsley)

FACTS:

1. On October 28, 2013, Teresa Billingsley retained respondent to represent her in a prospective civil action involving a breach of contract action in San Bernardino County Superior Court entitled, *Billingsley v. Hawes Real Estate Residential Property Management Company*. Ms. Billingsley paid respondent an advanced fee of \$2,500 for these services.
2. Respondent filed a complaint on behalf of Ms. Billingsley on March 13, 2014.
3. On June 6, 2016, Ms. Billingsley emailed respondent and informed respondent that she was terminating the representation, and requested an itemized accounting of the \$2,500 fee paid to respondent. Respondent received this email.
4. Respondent did not respond to Ms. Billingsley's request for an accounting, and respondent did not produce an accounting until after the instant Notice of Disciplinary Charges was filed.
5. On July 7, 2016, a State Bar investigator sent an investigative letter to respondent at her official State Bar membership records address via United States mail, requesting that respondent respond in writing by July 21, 2016 to the allegations of misconduct being investigated in case no. 16-O-14099. The letter was not returned as undeliverable.
6. Respondent received the July 7, 2016 letter, and on July 21, 2016, respondent contacted the assigned State Bar investigator to request additional time to respond to the July 7, 2016 letter. The investigator agreed to an extension through July 28, 2016. However, respondent did not provide a response to the July 7, 2016 letter.
7. On August 4, 2016, the investigator sent respondent an email about the status of her response, since she did not provide a response by July 28, 2016. Respondent received this email, but did not respond to it.
8. On August 8, 2016, the investigator sent an investigative letter to respondent at her official State Bar membership records address via United States mail, requesting that respondent respond in writing by August 22, 2016, to the allegations of misconduct being investigated in case no. 16-O-14099. The letter was not returned as undeliverable.

9. Respondent received the August 8, 2016 letter, but did not provide a response to it.

10. On October 3, 2016, the investigator sent an investigative letter to respondent at her official State Bar membership records address via United States mail, requesting that respondent respond in writing by October 12, 2016 to the allegations of misconduct being investigated in case no. 16-O-14099. The letter was not returned as undeliverable.

11. Respondent received the October 3, 2016 letter, but did not provide a response to it.

CONCLUSIONS OF LAW:

12. By failing to promptly provide an accounting to Ms. Billingsley after respondent's termination and Ms. Billingsley's request for an accounting, respondent failed to render an accounting of client funds, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

13. By failing to provide a response to the State Bar's investigative letters of July 7, 2016, August 8, 2016 and October 3, 2016, and email of August 4, 2016, which respondent received, and which requested respondent's response to the allegations of misconduct being investigated in case no. 16-O-14099, and failing to otherwise cooperate in the State Bar investigation, respondent willfully violated Business and Professions Code section 6068(i).

Case No. 16-O-17311 (Complainant: Horacio Avila)

FACTS:

14. Horacio Avila hired respondent in August 2015 to represent him in marital dissolution case, *Hortencia Avila v. Horacio Avila*, San Bernardino County Superior Court case no. FAMSS 1505249.

15. On February 4, 2016, respondent was ordered by to prepare a judgment in the case. On March 15, 2016, respondent filed a Findings and Order After Hearing, which was rejected by the court. On March 17, 2016, the court served respondent with a notice of the rejection and a list of what needed to be changed to correct the filing. Respondent received this notice.

16. On March 23, 2017, respondent filed a new Findings and Order After Hearing. This was rejected by the court on July 7, 2016. The court served respondent with notice that the documents respondent filed were being returned along with a list of what needed to be changed to correct the filing. Respondent received this notice.

17. The court sent another notice about the corrections needed for respondent's filings on July 27, 2016. Respondent received this notice.

18. On August 15, 2016, respondent filed a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration. On August 17, 2016, respondent was sent a notice that the documents respondent filed were being returned as additional information was required to complete the judgment.

19. Respondent did not take any further action in this matter until December 16, 2016, when she filed the remaining documents needed to finalize the judgment.

20. On December 5, 2016, a State Bar investigator sent an investigative letter to respondent at her official State Bar membership records address via United States mail, requesting that respondent respond in writing by December 19, 2016 to the allegations of misconduct being investigated in case no. 16-O-17311. The letter was not returned as undeliverable.

21. Respondent received the December 5, 2016 letter, but did not provide a response to it.

22. On January 3, 2017, the investigator sent an investigative letter to respondent at her official State Bar membership records address via United States mail, requesting that respondent respond in writing by January 17, 2017 to the allegations of misconduct being investigated in case no. 16-O-17311. The letter was not returned as undeliverable.

23. Respondent received the January 3, 2017 letter, but did not provide a response to it.

24. On April 3, 2017, the investigator sent an investigative letter to respondent at her official State Bar membership records address via United States mail, requesting that respondent respond in writing by April 17, 2017 to the allegations of misconduct being investigated in case no. 16-O-17311. The letter was not returned as undeliverable.

25. Respondent received the April 3, 2017 letter, but did not provide a response to it.

CONCLUSIONS OF LAW:

26. By repeatedly failing to make corrections to the judgment documents as indicated in the court's notices of March 17, 2016, July 7, 2016, July 27, 2016 and August 17, 2016, and then failing to take any action to finalize the judgment from August 17, 2016 and until the final documents were filed on December 16, 2016, respondent intentionally failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

27. By failing to provide a response to the State Bar's investigative letters of December 5, 2016, January 3, 2017 and April 3, 2017, which respondent received, and which requested respondent's response to the allegations of misconduct being investigated in case no. 16-O-17311, and failing to otherwise cooperate in the State Bar investigation, respondent willfully violated Business and Professions Code section 6068(i).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent committed multiple acts of misconduct by failing to perform legal services with competence, failing to timely provide an appropriate accounting, and failing to cooperate with two State Bar investigations. (See, *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 647 [three instances of misconduct although not a pattern or practice are sufficient to support a finding that respondent engaged in multiple acts of misconduct].)

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal.

State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

Physical and Emotional Difficulties: In May 2016, respondent began receiving treatment for major medical issues, including stress and anxiety related to her work and family life. These problems contributed to respondent's failure to cooperate in the State Bar investigations and fulfil her duties to Ms. Billingsley and Mr. Avila. Respondent is entitled to limited mitigation under this factor, as at this time there is no prognosis for recovery. (*Read v. State Bar* (1990) 53 Cal.3d 394, 424-425 [domestic and health difficulties may be considered as mitigating circumstances]; *In the Matter of Song* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 273, 280-281 [recovery and rehabilitation must be established to qualify for full mitigating credit for emotional problems].)

Good Character: Respondent provided evidence of nine people willing to attest to their belief in respondent's honesty, professionalism, diligence and compassion. These references include four attorneys, a paralegal, a current and former client, and respondent's brother, who is non-commissioned officer in the United States Navy. Most of these references have known respondent for 10 years or more, and all are familiar with the misconduct at issue. These character references entitle respondent to mitigation. (See *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 912-913 [attorney entitled to significant mitigation for marital problems and testimony of eight character witnesses].)

Pro Bono Work: Some of respondent's character references also provided information about respondent's pro bono work. Respondent has waived her fees for several clients whom she represented in family law cases. Respondent also volunteered to provide court appearance coverage for an attorney who was dealing with a terminally ill family member. Respondent's pro bono work is worth "considerable weight" in mitigation. (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359.)

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

Standard 1.7(a) further provides that, "If a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed." Here, the most severe sanction is found under Standards 2.2(b) and 2.7(c). Standard 2.2(b) is applicable to respondent's failure to properly account for the fees paid by Ms. Billingsley upon respondent's termination, and states that suspension or reproof is the presumed sanction for violations of Rules of Professional Conduct, rule 4-100 that do not involve commingling or failing to promptly pay entrusted funds. Standard 2.7(c) is applicable to respondent's failure to perform with competence in Horacio Avila's marital dissolution case, and states that suspension or reproof is the presumed sanction for performance violations, with the degree of sanction depending upon the extent of the misconduct and the degree of harm to the client.

Although respondent's misconduct in Ms. Billingsley and Mr. Avila's cases is directly related to the practice of law, her misconduct is limited in scope and time and did not result in significant harm to her clients. Respondent's misconduct is aggravated by multiple acts, but is mitigated by her physical and emotional difficulties, good character and pro bono work. By entering into this pretrial stipulation, respondent has acknowledged and accepted responsibility for her misconduct, thus saving the State Bar time and resources. The mitigating circumstances predominate and therefore discipline at the low end of the applicable Standards is adequate to protect the public and fulfill the purposes of attorney discipline. Discipline consisting of a public reproof with conditions for one year, on the terms and conditions set forth herein, is appropriate, is consistent with the Standards, and will protect the public, the courts and the legal profession, maintain high professional standards, and preserve public confidence in the legal profession.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
16-O-14099	One	Rules of Professional Conduct, rule 3-110(A)
16-O-14099	Three	Rules of Professional Conduct, rule 3-700(D)(2)
16-O-14099	Four	Business and Professions Code section 6068(m)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of May 30, 2017, the discipline costs in this matter are \$6,817. 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, and/or any other educational course(s) to be ordered as a condition of reproof. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of EDELMIRA MEDINA	Case number(s): 16-O-14089-YDR 16-O-17311 (Inv.)
--	--

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 Fact, Conclusions of Law and Disposition.

<u>06/02/17</u> Date	 Respondent's Signature	<u>Edelmira Medina</u> Print Name
<u>06/02/2017</u> Date	 Respondent's Counsel Signature	<u>Jahzeel Osejo</u> Print Name
<u>6/5/2017</u> Date	 Deputy Trial Counsel's Signature	<u>Alex Hackert</u> Print Name

(Do not write above this line.)

In the Matter of: EDELMIRA MEDINA	Case Number(s): 16-O-14099-YDR 16-O-17311 (inv.)
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REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

1. On page 2 of the Stipulation, paragraph A.(8), at the checked box, "Two billing cycles immediately following the effective date of the State Bar Court order in this matter" is deleted, and in its place is inserted "2018 and 2019".
2. On page 8 of the Stipulation, numbered paragraph 15, line 1, "by" is deleted.

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

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

June 8, 2017
Date

Cynthia Valenzuela
CYNTHIA VALENZUELA
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 13, 2017, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

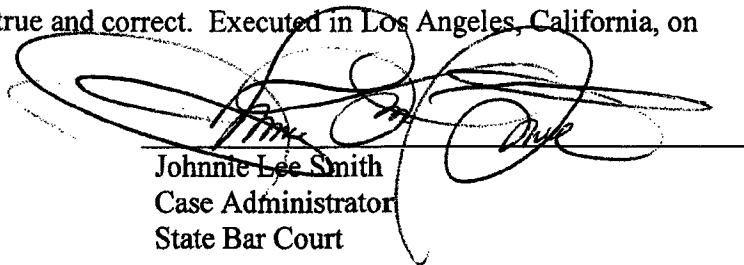
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JAHZEEL OSEJO
LEE & OSEJO
17897 MACARTHUR BLVD STE 205
IRVINE, CA 92614**

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

ALEX HACKERT, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 13, 2017.


Johnnie Lee Smith
Case Administrator
State Bar Court

1 Jahzeel Osejo, SBN 279483
2 LEE & OSEJO LLP
3 17897 MacArthur Blvd. #205
4 Irvine, Ca 92614
5 tel: 949-955-2445
6 fax: 949-955-2446
7 email: osejo@lawyer.com

8 Attorney for Respondent
9 Edelmira Medina

FILED

MAY 12 2017

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

10 STATE BAR COURT
11 HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:

Case No: 16-O-14099

13
14 EDELMIRA MEDINA,
15 No. 285577,

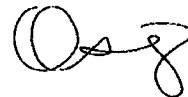
**FIRST AMENDED RESPONSE TO
NOTICE OF DISCIPLINARY
CHARGES**

16
17 A Member of the State Bar.

18 TO THE LADIES AND GENTLEMEN OF THE STATE BAR OF CALIFORNIA AND THEIR
19 CHOSEN ATTORNEY OF RECORD, ALEX HACKERT:

20 Respondent, Edelmira Medina, by and through her undersigned counsel, hereby answers the State
21 Bar of California's Notice of Disciplinary Charges.

22
23 Respectfully submitted,

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25 

26 DATED: May 11, 2017

27 _____
28 JAHZEEL OSEJO
Attorney for Respondent

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JURISDICTION

1. Responding to paragraph 1 of the Notice of Disciplinary Charges, Respondent admits the allegation stated in that paragraph.

COUNT ONE

1. Responding to paragraph 2 of the Notice of Disciplinary Charges, Respondent denies the allegation stated in that paragraph.

COUNT TWO

1. Responding to paragraph 3 of the Notice of Disciplinary Charges, Respondent denies the allegation stated in that paragraph.

COUNT THREE

1. Responding to paragraph 4 of the Notice of Disciplinary Charges, Respondent denies the allegation stated in that paragraph.

COUNT FOUR

1. Responding to paragraph 5 of the Notice of Disciplinary Charges, Respondent denies the allegation stated in that paragraph.

COUNT FIVE

1. Responding to paragraph 6 of the Notice of Disciplinary Charges, Respondent admits the allegation stated in that paragraph.

DATED: May 11, 2017

JAHZEEL OSEJO
Attorney for Respondent

1 PROOF OF SERVICE

2
3 STATE OF CALIFORNIA
4 COUNTY OF ORANGE

5 I am employed in the county of Orange, State of California. I am over the age of 18 and
6 not a party to the within action; my business address is:

7 17897 MacArthur Blvd. #205, Irvine, Ca 92614

8 On May 11, 2017, I served the foregoing document described as

9 **FIRST AMENDED RESPONSE TO NOTICE OF DISCIPLINARY CHARGES**

10 on the interested parties in this action as follows:

11 STATE BAR COURT
12 845 South Figueroa Street
13 Los Angeles, CA 90017

14 OFFICE OF THE CHIEF TRIAL COUNSEL
15 Alex Heckert
16 845 South Figueroa Street
17 Los Angeles, CA 90017

18 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection
19 and processing correspondence for mailing. Under that practice it would be deposited with U.S.
20 postal service on that same day with postage thereon fully prepaid at Rancho Cucamonga,
21 California in the ordinary course of business. I am aware that on motion of the party served,
22 service is presumed invalid if postal cancellation date or postage meter date is more than one day
23 after date of deposit for mailing in affidavit.

24 (By PERSONAL SERVICE) I caused to be delivered such envelope by hand to
25 the offices of the addressee.

26 (BY FACSIMILE) I sent said fax via facsimile no. (949) 955-2445 to facsimile no.
_____. All pages were sent, a confirmation form from facsimile no. (949) 955-2445
confirmed all pages were sent without error.

(STATE) I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

Executed on May 11, 2017, at Irvine, California.



DECLARANT

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STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
GREGORY P. DRESSER, No. 136532
INTERIM CHIEF TRIAL COUNSEL
MELANIE LAWRENCE, No. 230102
ACTING DEPUTY CHIEF TRIAL COUNSEL
JOHN T. KELLEY, No. 193646
ASSISTANT CHIEF TRIAL COUNSEL
BROOKE A. SCHAFER, No. 194824
SUPERVISING SENIOR TRIAL COUNSEL
SHERELL N. McFARLANE, No. 217357
SENIOR TRIAL COUNSEL
845 South Figueroa Street
Los Angeles, California 90017-2515
Telephone: (213) 765-1288

PUBLIC MATTER

FILED

NOV -2 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 16-O-14099
EDELMIRA MEDINA,)
No. 285577,) NOTICE OF DISCIPLINARY CHARGES
A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Edelmira Medina (“respondent”) was admitted to the practice of law in the State of
4 California on December 3, 2012, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-14099
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about December 6, 2013, Teresa Billingsley employed respondent to perform
11 legal services, namely to represent her in a prospective civil action involving a breach of
12 contract action in San Bernardino County Superior Court entitled, *Billingsley v. Hawes Real*
13 *Estate Residential Property Management Company*, which respondent intentionally, recklessly,
14 or repeatedly failed to perform with competence, in willful violation of Rules of Professional
15 Conduct, rule 3-110(A), by:

- 16 A. Failing to conduct a default prove-up hearing in the client’s matter at any time
17 between on or about May 23, 2014 and May 27, 2016;
- 18 B. Failing to appear at the pretrial conference in the client’s matter scheduled for
19 September 5, 2014;
- 20 C. Filing a second request for entry of default on or about October 24, 2014, after the
21 court granted a previous request for entry of default, which was filed on or about
22 May 23, 2014; and
- 23 D. Effectively abandoning the client after on or about May 23, 2014, other than by
24 obtaining no fewer than seven continuances of the scheduled default prove-up
25 hearing.

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COUNT TWO

Case No. 16-O-14099
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

3. On or about December 6, 2013, respondent received on behalf of respondent's client, Teresa Billingsley, the sum of \$2,500 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the client's request for such accounting or refund upon the termination of respondent's employment on or about June 6, 2016, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT THREE

Case No. 16-O-14099
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

4. On or about December 6, 2013, respondent received advance fees of \$2,500 on behalf of a client, Teresa Billingsley, to represent her in a breach of contract action up to but not including trial. Respondent failed to perform all the legal services she agreed to perform for the client, and therefore did not earn all of the advanced fees paid. Respondent failed to refund promptly, upon respondent's termination of employment on or about June 6, 2016 any part of the \$2,500 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT FOUR

Case No. 16-O-14099
Business and Professions Code section 6068(m)
[Failure to Inform Client of Significant Development]

5. Respondent failed to keep respondent's client, Teresa Billingsley, reasonably informed of significant developments in the client's matter in which respondent had agreed to provide legal services, by failing to inform the client that respondent had continued the hearing scheduled for May 27, 2016, to August 12, 2016, in her matter then pending in San Bernardino County Superior Court entitled *Billingsley v. Hawes Real Estate Residential Property*

1 *Management Company*, case number CIVRS1401468, in willful violation of Business and
2 Professions Code, section 6068(m).

3 COUNT FIVE

4 Case No. 16-O-14099
5 Business and Professions Code section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 6. Respondent failed to cooperate and participate in a disciplinary investigation
8 pending against respondent by failing to provide a substantive response to the State Bar's letters
9 of July 7, 2016, August 8, 2016 and October 3, 2016, and email of August 4, 2016, which
10 respondent received, that requested respondent's response to the allegations of misconduct
11 being investigated in case number 16-O-14099, in willful violation of Business and Professions
12 Code section 6068(i).

13 NOTICE - INACTIVE ENROLLMENT!

14 YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
15 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
16 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
17 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
18 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
19 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
20 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
21 RECOMMENDED BY THE COURT.

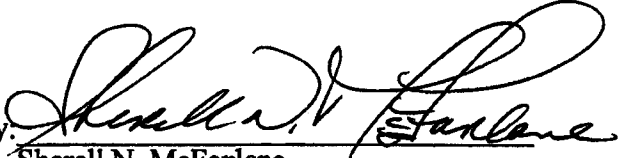
22 NOTICE - COST ASSESSMENT!

23 IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
24 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
25 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
26 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
27 PROFESSIONS CODE SECTION 6086.10.

28 Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: November 2, 2016

By: 
Sherell N. McFarlane
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 16-O-14099

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017-2515, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0762 61 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: _____ addressed to: (see below)

Person Served Via Certified Mail	Business-Residential Address	Fax Number	Person Served Via First Class U.S. Mail
Edelmira Medina	Law Office of Edelmira Medina 15542 Gale Ave. Hacienda Heights, CA 91745	Electronic Address	Edelmira Medina Law Office of Edelmira Medina 15542 Gale Ave. Hacienda Heights, CA 91745

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: November 2, 2016

SIGNED: _____

Sandra Reynolds
Sandra Reynolds
Declarant



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST December 14, 2018
State Bar Court, State Bar of California,
Los Angeles

By *Jan H. [Signature]*
Clerk

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 January 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:

IAN M. JONES
LAW OFFICE OF IAN JONES
1004 W WEST COVINA PKWY
424
WEST COVINA, CA 91790 - 2810

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

KRISTINA A. B. RAMOS, Enforcement, Los Angeles

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



Bernadette Molina
Court Specialist
State Bar Court