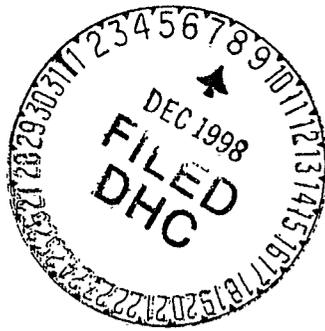


WAKE COUNTY  
NORTH CAROLINA



13619  
BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
97 DHC 33

THE NORTH CAROLINA STATE BAR	)	
PLAINTIFF	)	
	)	FINDINGS OF FACT
V.	)	AND CONCLUSIONS OF LAW
	)	AND ORDER OF DISCIPLINE
CAROLYN MIYASHITA, ATTORNEY	)	
DEFENDANT	)	

THIS MATTER came on to be heard and was heard on Friday, Sept. 18, 1998 before a hearing committee composed of James R. Fox, Chair; Joseph Maddrey and Catharine Sefcik. The Defendant, Carolyn Miyashita, was represented by Harry H. Harkins, Jr. Carolin Bakewell represented the N.C. State Bar. Based upon the evidence presented, the parties' stipulations and the record herein, the hearing committee makes the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The Defendant, Carolyn Miyashita, (hereafter, Miyashita) was admitted to the North Carolina State Bar in 1986 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During the trial of this matter, the lay member of the hearing committee, Catharine Sefcik, became ill and was unable to proceed. All parties agreed that the matter could be decided by the two attorney members of the hearing committee.
4. During all of the relevant periods referred to herein, Miyashita was actively engaged in the practice of law in the State of California. Since at least 1988, Miyashita's practice has been confined to the practice of immigration law before the Immigration & Naturalization Service (INS) and the federal courts in California.

5. North Carolina is the only state by which Miyashita has been licensed to practice law. The INS and the federal courts in California have permitted her to appear before them, based upon her North Carolina law license.

6. Prior to October 27, 1995, Miyashita undertook to represent Francisco Dominguez-Kaufman (hereafter, Dominguez-Kaufman) in an immigration matter in federal district court in California.

7. On Oct. 27, 1995, the district court denied Miyashita's motion for a writ of habeas corpus seeking to avoid deportation of Dominguez-Kaufman. The court gave Miyashita until Nov. 3, 1995 to obtain a stay of deportation from the Ninth Circuit Court of Appeals.

8. On the afternoon of Nov. 3, 1995, Miyashita filed an emergency motion with the Ninth Circuit, seeking a stay of deportation of Dominguez-Kaufman. The motion was granted on Nov. 6, 1995.

9. On Nov. 8, 1995, the Ninth Circuit ordered Miyashita to show cause why she should not be sanctioned for dilatory conduct in filing an emergency motion on behalf of Dominguez-Kaufman.

10. Miyashita failed to respond and the Ninth Circuit entered an order imposing \$500 in sanctions against Miyashita on Dec. 8, 1995. Miyashita has failed to pay the sanctions.

11. On Dec. 13, 1995, the Ninth Circuit granted Miyashita a 14-day extension of time in which to file an opening brief in the Dominguez-Kaufman matter. Miyashita did not file an opening brief.

12. On Jan. 8, 1996, the INS moved to dismiss the appeal in Dominguez Kaufman's case for failure to prosecute.

13. On Jan. 22, 1996, the Ninth Circuit denied the motion to dismiss, stayed the proceedings and ordered Miyashita to show cause why she should not be removed as counsel of record for Dominguez-Kaufman. The Ninth Circuit also ordered Miyashita to serve a copy of the order on Dominguez-Kaufman and file proof of service with the court.

14. Miyashita did not respond or file proof of service of the show cause order upon her client, despite entry of the Ninth Circuit order.

15. The Ninth Circuit removed Miyashita as counsel of record for Dominguez-Kaufman on April 29, 1996.

16. On May 8, 1996 the N.C. State Bar issued a Letter of Notice and Substance of Grievance to Miyashita, alleging that she had violated the Rules of Professional Conduct pursuant to her handling of the Dominguez-Kaufman matter. The Letter of Notice and Substance of Grievance were served upon Miyashita by certified mail on May 13, 1996.

17. Miyashita did not respond to the Letter of Notice and Substance of Grievance regarding the Dominguez-Kaufman matter.

18. On June 5, 1996, the N.C. State Bar sent a letter to Miyashita, reminding her that her response to the Letter of Notice and Substance of Grievance had not been received by the State Bar and requesting her to respond. Miyashita was served with this follow up letter.

19. On Aug. 27, 1996, the N.C. State Bar sent a second follow up letter to Miyashita, requesting her to respond to the Letter of Notice and Substance of Grievance. Miyashita was served with this follow up letter.

20. Miyashita never filed any response to the State Bar's Letter of Notice and Substance of Grievance or to its follow up letters regarding the Dominguez-Kaufman matter.

21. Miyashita undertook to represent the plaintiffs in the following immigration matters in federal court in California:

- a) Tapican v. INS, 96-70162
- b) Lyaschenco v. INS, 96-70217
- c) Casillas-Leon v. INS, 96-70222
- d) Medina v. INS, 96-70238
- e) Blandon-Rizo v. INS, 96-70293
- f) Palacios-Funez v. INS, 96-70569
- g) Barrera-Barrera v. INS, 96-70889
- h) Montes-Gaitan v. Schiltgen, 97-15241

22. Miyashita defaulted in each of the matters set out in ¶ 21, by failing to file an opening brief or by failing to respond to an INS motion to dismiss.

23. The defaults in the cases set out in ¶ 21 occurred between July 1996 and March 1997.

24. Miyashita's clients were harmed by her neglect of their immigration cases.

25. In October 1995, Miyashita undertook to represent Yuriy Zhestkov (hereafter, Zhestkov), respecting Zhestkov's efforts to obtain a "green card" from the INS.

26. Zhestkov paid Miyashita \$500 in October 1995. Miyashita indicated that the total fee would be \$2,000 but stated that the initial \$500 payment would cover preparation of all of the necessary documents to be submitted to INS in support of Zhestkov's application for a green card.

27. Despite initial promises that she would vigorously pursue Zhestkov's case, Miyashita neglected that matter and never sent any evidence to Zhestkov that she had taken any steps on his behalf.

28. Miyashita failed to communicate adequately with Zhestkov about his case after Oct. 30, 1995 and did not respond to numerous communications from Zhestkov inquiring about the status of his matter.

29. Miyashita failed and refused to refund the \$500 initial fee paid to her by Zhestkov, despite a demand for a refund.

30. On or about Sept. 12, 1996, the State Bar issued a Letter of Notice and Substance of Grievance to Miyashita respecting Zhestkov's complaint.

31. The Letter of Notice and Substance of Grievance were served upon Miyashita by certified mail on or about Sept. 16, 1996.

32. Miyashita did not respond to the State Bar's Letter of Notice and Substance of Grievance respecting Zhestkov's complaint.

33. On Nov. 25, 1996, the State Bar sent a follow up letter to Miyashita, reminding her that the State Bar had not received Miyashita's response to the Letter of Notice and Substance of Grievance.

34. The Nov. 25, 1996 follow up letter was served upon Miyashita by certified mail on Dec. 23, 1996.

35. Miyashita did not respond to the State Bar's Nov. 25, 1996 follow up letter respecting Zhestkov's grievance.

36. On Aug. 12, 1996, Zhestkov filed a request with The N.C. State Bar for mandatory arbitration of a fee dispute in which he was involved with Miyashita.

37. On Aug. 20, 1996, the N.C. State Bar sent a notice to Miyashita by certified mail, informing her that Zhestkov had filed a proper request for mandatory fee arbitration. Miyashita was requested to respond to the demand for fee arbitration within 15 days.

38. Miyashita was served with the notice of mandatory fee arbitration, but failed to respond to it.

39. On Sept. 16, 1996, the N.C. State Bar sent Miyashita a follow up letter, requesting a response to Zhestkov's demand for fee arbitration. Miyashita was served with the follow up letter but failed to respond to it.

40. On Oct. 22, 1996 and Nov. 12, 1996, telephone calls were placed to Miyashita's office by Harriet P. Tharrington, the N.C. State Bar's fee dispute mediator. Miyashita did not respond to or return these calls.

41. Miyashita failed to participate in the N.C. State Bar's mandatory fee arbitration program despite having received a proper demand and notice of the same.

42. In July 1995, Miyashita undertook to represent A. J. Hainsworth III (hereafter, Hainsworth), respecting his application for a work visa in the United States.

43. Miyashita promised to file the necessary application before Hainsworth returned to England in December 1995. Despite these promises, however, Miyashita neglected Hainsworth's case.

44. Miyashita failed to communicate with Hainsworth and failed to respond to calls and letters from him inquiring about the status of his application.

45. Miyashita failed and refused to return Hainsworth's file materials to him after he discharged her in late July 1996.

46. Beginning in late July 1996, Hainsworth made numerous demands to Miyashita for the return of his file and the \$750 advance fee which he paid to her.

47. Miyashita returned the file and \$750 advance fee to Hainsworth in May 1997, after Hainsworth filed a proceeding in small claims court in San Francisco against her.

48. On Sept. 11, 1996, the State Bar issued a Letter of Notice and Substance of Grievance to Miyashita respecting Hainsworth's complaint.

49. The Letter of Notice and Substance of Grievance were served upon Miyashita by certified mail on or about Sept. 16, 1996.

50. Miyashita did not respond to the State Bar's Letter of Notice and Substance of Grievance respecting Hainsworth's complaint.

51. On Nov. 25, 1996, the State Bar sent a follow up letter to Miyashita, reminding her that the State Bar had not received Miyashita's response to the Letter of Notice and Substance of Grievance respecting Hainsworth's complaint.

52. The Nov. 25, 1996 follow up letter was served upon Miyashita by certified mail on Dec. 23, 1996.

53. Miyashita did not respond to the State Bar's Nov. 25, 1996 follow up letter.

54. On Nov. 26, 1996, Sylvia Wood, the N.C. State Bar attorney assigned to handle Hainsworth's complaint wrote to Miyashita, reminding her of her obligation to return Hainsworth's retainer and file to him. Wood asked Miyashita to return the file and retainer and to provide proof to the State Bar that this had been done.

55. Miyashita did not respond to Wood's letter of Nov. 26, 1996.

56. Between December 1994 and up through January 1, 1998, neither Miyashita nor her law partner, Milton Dan Kramer (hereafter, Kramer), maintained an attorney trust account.

57. On numerous occasions between Jan. 1, 1996 and Jan. 1, 1998, Miyashita commingled client and/or fiduciary funds in her firm's general account maintained at Bank of America assigned account number 23353-08740 (hereafter, general account) by depositing sums which she had received for the payment of costs and filing fees in her clients' immigration cases into the general account.

58. On or about May 1, 1997, Miyashita issued a \$390 general account check to the INS. Miyashita intended this payment as an advance for her client, Genady Gurov.

59. As of May 1, 1997, however, Miyashita did not have sufficient personal funds in the account to cover the INS check for Gurov.

60. Moreover, when the INS check for Gurov was presented for payment, there were insufficient funds of any kind in the general account and the check was returned. The check ultimately was paid on May 21, 1997.

61. Meanwhile, Miyashita received \$390 from Gurov which she deposited into her general account on May 7, 1997.

62. Because the \$390 INS check had not cleared as of May 7, the date on which Gurov's \$390 was deposited into the general account, the \$390 constituted fiduciary funds which should have been held in trust at all times between May 7 and May 21, 1997, the date on which the INS check for Gurov cleared.

63. The balance in Miyashita's general account dropped below \$390 on several occasions between May 7 and May 21, 1997.

64. On Dec. 9, 1996, Miyashita deposited a total of \$300 which was paid to her by or on behalf of a client, Tatiana Bashouk (hereafter, Bashouk), into her general account. At least \$110 of this sum represented a filing fee or costs which were earmarked for payment to the Department of Justice.

65. On March 17, 1997, Miyashita paid \$110 to the Department of Justice on Bashouk's behalf.

66. Miyashita did not make any other disbursements from her general account on behalf of Bashouk between Dec. 9, 1996 and March 17, 1997.

67. Miyashita should have maintained a balance of at least \$110 in her general account on Bashouk's behalf at all times between Dec. 9, 1996 and March 17, 1997.

68. The balance in Miyashita's general account fell below \$110 on numerous occasions between Dec. 9, 1996 and March 17, 1997.

69. Between April 22, 1996 and Sept. 26, 1996, Miyashita received a total of at least \$2,180 from clients Kristensen, Gutierrez, Salee, Avina, Shilova, Rozanova, Volodyn, Aukon, Rizo, Jovel and Garcia. These funds were earmarked for and should have been held in trust pending payment to the INS, the U.S. Court of Appeals for the 9th Circuit, or the Department of Justice.

70. Between Sept. 26 and Oct. 2, 1996, Miyashita should have held at least \$2,180 in her general account on behalf of the 11 clients referred to in paragraph 69. The balance in Miyashita's general account on Sept. 30, 1996 was negative \$817.97.

71. Miyashita ultimately made disbursements in the appropriate amounts on behalf of the clients referred to in paragraph 69.

72. Miyashita's temporary misuse of client funds was the result of poor office practices, sloppy accounting and her practice of commingling fiduciary and client funds in her general account, rather than a dishonest intent to permanently deprive clients of their property.

Based upon the foregoing Findings of Fact, the hearing committee hereby makes the following:

#### CONCLUSIONS OF LAW

1. By violating the Ninth Circuit Court of Appeals' rules respecting the timely filing of emergency motions and by failing to pay the \$500 in sanctions imposed by the Court for the violation, Miyashita engaged in conduct prejudicial to the administration of justice, in violation of Rule 1.2(d).

2. By failing to file an opening brief on behalf of Francisco Dominguez-Kaufman, which resulted in the dismissal of her client's appeal, Miyashita neglected her client's legal matters in violation of Rule 6(b)(3), failed to pursue lawful objectives of her client in violation of Rule 7.1(a)(1) and prejudiced or damaged her client in violation of Rule 7.1(a)(3).

3. By failing to respond to the State Bar's Substance of Grievance and Letter of Notice respecting her handling of the Dominguez-Kaufman matter and the follow up letters requesting a response in that case, Miyashita failed to respond to lawful demands for information from a disciplinary authority in violation of Rule 1.1(b).

4. By failing to file an opening brief and/or a response to an INS motion to dismiss on behalf of Clients Tapican, Lyaschenco, Casillas-Leon, Medina, Blandon-Rizo, Palacios-Funez, Barrera-Barrera and Montes-Gaitan, Miyashita neglected her clients' legal matters in violation of Rule 6(b)(3), failed to pursue lawful objectives of her clients in violation of Rule 7.1(a)(1) and prejudiced or damaged her clients in violation of Rule 7.1(a)(3).

5. By failing to respond adequately to Zhestkov's requests for information respecting his immigration case, Miyashita failed to communicate with a client in violation of Rule 6(b)(1).

6. By failing to file a timely application for a green card on Zhestkov's behalf, Miyashita neglected a client matter in violation of Rule 6(b)(3), failed to pursue lawful objectives of her client in violation of Rule 7.1(a)(1) and prejudiced or damaged her client in violation of Rule 7.1(a)(3).

7. By failing to refund the \$500 advance fee paid to her by Zhestkov, Miyashita failed to refund the unearned portion of a fee following discharge by her client in violation of Rule 2.8(a)(3). The State Bar failed to prove that Miyashita charged or collected an excessive fee in violation of Rule 2.6(a).

8. By failing to respond to the State Bar's Substance of Grievance and Letter of Notice concerning Zhestkov's complaint, and by failing to respond to the State Bar's follow up letter, Miyashita failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 1.1(b).

9. By failing to participate in good faith in the State Bar's mandatory fee dispute arbitration program after having been notified that Zhestkov had submitted a proper demand for arbitration, Miyashita violated Rule 2.6(e)(2).

10. By failing to respond to the State Bar's notice and inquiries respecting Zhestkov's demand for mandatory fee arbitration, Miyashita failed to respond to lawful demands for information from a disciplinary authority in violation of Rule 1.1(b).

11. By failing to file a timely application for a work visa on Hainsworth's behalf, Miyashita neglected a client matter in violation of Rule 6(b)(3), failed to pursue lawful objectives of her client in violation of Rule 7.1(a)(1) and prejudiced or damaged her client in violation of Rule 7.1(a)(3).

12. By failing to respond adequately to Hainsworth's requests for information respecting his immigration case, Miyashita failed to communicate with a client in violation of Rule 6(b)(1).

13. By failing to refund the \$750 advance fee paid to her by Hainsworth in a timely fashion, Miyashita failed to promptly refund the unearned portion of a fee following discharge by her client in violation of Rule 2.8(a)(3). The State Bar failed to prove that Miyashita charged or collected an excessive fee in violation of Rule 2.6(a).

14. By failing to return Hainsworth's client file to him promptly after he discharged her, Miyashita failed to take all reasonable steps to avoid foreseeable prejudice to the client, in violation of Rule 2.8(a)(2).

15. By failing to respond to the State Bar's Substance of Grievance and Letter of Notice concerning Hainsworth's complaint, and by failing to respond to the State Bar's follow up letter, Miyashita failed to respond to lawful demands for information from a disciplinary authority in violation of Rule 1.1(b).

16. By failing to maintain client and/or fiduciary funds at all times in an attorney trust account separate and apart from her own property, Miyashita commingled client and personal funds in violation of Rule 10.1(c) of the Rules of Professional Conduct and Rule 1.15-1(d) of the Revised Rules of Professional Conduct.

17. By failing to maintain funds belonging to Genady Gurov, Tatiana Bashouk and clients Garcia, Shilova, Rozanova, Volodyn, Kristensen, Avina, Gutierrez, Salee, Rizo, Aukon and Jovel intact until the funds were paid over to the INS or the courts on the clients' behalf, Miyashita violated Rule 10.1(a) of the Rules of Professional Conduct.

18. The N.C. State Bar failed to prove that Miyashita engaged in criminal conduct or conduct involving fraud, deceit or dishonesty in violation of Rule 1.2(b) or Rule 1.2(c).

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the evidence and arguments of the parties respecting the appropriate discipline, the hearing committee hereby makes the following:

#### FINDINGS REGARDING DISCIPLINE

1. Miyashita's misconduct is aggravated by the following factors:
  - a) Miyashita engaged in multiple violations of the Rules of Professional Conduct.
  - b) Miyashita engaged in a pattern of misconduct.
  - c) Miyashita has substantial experience in the practice of law.
  - d) Miyashita failed to make complete acknowledgment of the wrongful nature of her misconduct.
  - e) Miyashita displayed an indifference to making restitution to Yuriy Zhestkov.
  - f) The victims of Miyashita's misconduct were vulnerable.
2. Miyashita's misconduct is mitigated by the following factors:
  - a) Miyashita has no prior disciplinary record.
  - b) Miyashita experienced personal or emotional problems at the time of the misconduct.
3. The aggravating factors outweigh the mitigating factors.

Based upon the foregoing aggravating and mitigating factors and the arguments of the parties, the hearing committee hereby enters the following:

#### ORDER OF DISCIPLINE

1. The defendant, Carolyn Miyashita, is hereby suspended from the practice of law for five years, beginning 30 days from the date of service of this order upon the defendant.
2. Miyashita shall submit her license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon the Miyashita.
3. Miyashita shall comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124(b) of the N.C. State Bar Discipline & Disability Rules. She shall file an affidavit with the Secretary of the N.C. State Bar within 10 days of the effective date of this order, certifying that she has complied with the wind down rule.
4. Within 15 days of the effective date of this order Ms. Miyashita shall provide the State Bar with an address to which files provided by her in discovery may be shipped and shall reimburse the State Bar for the cost of such shipment prior to seeking reinstatement.
5. At any time after two years from the effective date of this order, Miyashita may file a petition with the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0125(b), seeking reinstatement of her license and a stay of the remaining term of suspension of her license. Prior to entry of any stay order, Miyashita must prove by clear, cogent and convincing evidence the following:

- a) She has not violated any state or federal laws during the active suspension of her license to practice law.
- b) She has not violated any provisions of the Revised Rules of Professional Conduct during the active suspension of her license to practice law.
- c) She paid the \$500 fine assessed against her by the 9th Circuit Court of Appeals no later than April 1, 1999.
- d) Within 30 days of the date of this order, she began regular psychological counseling with a state-licensed mental health professional approved by the N.C. State Bar.
- e) At her sole expense, Miyashita continued attending regular counseling sessions with the approved mental health professional for at least two years and complied with the treatment plan of the mental health professional. The counseling sessions were held at intervals recommended by the mental health professional and approved by the State Bar.

- f) At least once each quarter throughout the period during which she underwent counseling, Miyashita submitted reports to the counsel of the N.C. State Bar from her mental health professional, confirming that she complied with the treatment plan of the mental health professional. The first such written report was received no later than April 1, 1999. Thereafter, the remaining quarterly reports were received in the office of the counsel of the State Bar no later than, July 1, October 1 and January 1 for two years or the period during which Miyashita's license was actively suspended, whichever is longer.
- g) Within 45 days of the date of this order, Miyashita executed a written waiver, authorizing the counsel of the N.C. State Bar to contact her mental health professional and to inquire respecting her compliance with the terms of this order.
- h) If Ms. Miyashita applies for reinstatement and is reinstated she shall hire at her own expense a Certified Professional Accountant approved by the N.C. State Bar who shall during the pendency of her stayed suspension audit her accounts quarterly in accordance with the standards for auditing in the accounting profession and the various sections of the Rules of Professional Conduct concerning the handling of client funds. Written reports of the results of such audits shall be furnished to counsel for the State Bar on a quarterly basis (by April 1, July 1, October 1 and January 1 of each year) such reports to be filed with the State Bar during the remainder of the suspension period.
- i) The reports shall include the following:
  - 1) a list of all active cases which Miyashita is handling, including the client initials, nature of the case, status of the case and the file number.
  - 2) a list of all bank account(s) into which client or fiduciary funds have been deposited.
  - 3) a certification that Miyashita is complying with the Revised Rules of Professional Conduct respecting any bank account into which fiduciary funds or funds of any client of Miyashita have been deposited and a certification in particular that:
    - i) no personal funds have been commingled with client or fiduciary funds.

- ii) Miyashita maintains accurate, current ledgers on each person, firm or corporation for whom she holds funds in a fiduciary capacity.
  - iii) Miyashita has reconciled each account into which client or fiduciary funds have been deposited at least once a quarter.
  - iv) Miyashita maintains all bank receipts or deposit slips showing the source of the deposit, the deposit amount, client name and date of receipt of funds.
  - v) No instruments are drawn on a trust account or account in which client or fiduciary funds are held that are made out to cash or bearer.
  - vi) No instruments are drawn on a trust account or account into which client or fiduciary funds are held that are made out to any attorney, unless the name of the client is also indicated on the instrument.
  - vii) The requirements of paragraph 4(j)(3)(i) - (vi) shall apply if Miyashita handles client or fiduciary funds or delegates such such tasks to a non-lawyer, such as an accountant or bookkeeper.
  - viii) If Miyashita is employed by a law firm which handles all client and fiduciary funds, then the Certified Professional Accountant shall certify that the law firm is complying with the terms of paragraph 4(j)(3)(i) - (vi).
- j) She paid \$500 in restitution to Yuriy Zhestkov no later than April 1, 1999.
  - l) She paid the costs of this proceeding, as assessed by the Secretary of the N.C. State Bar, no later than the date upon which she filed her reinstatement petition. Such costs include all costs incurred by the N.C. State Bar in connection with the depositions of Arthur Hainsworth, Pat Hill and Yuriy Zhestkov.
  - m) She complied with all of the requirements of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124.

6. Any order of stayed suspension shall remain in effect only upon compliance with all of the following conditions:

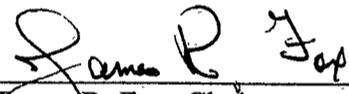
- a) Miyashita shall not violate any provision of the Revised Rules of Professional Conduct.

- b) Miyashita shall not violate any state or federal laws.
- c) Miyashita shall not violate any rules of criminal or civil procedure or practice which result in any sanctions by, or revocations of the right to practice in any court or before any administrative agency.
- d) Miyashita shall continue to receive counseling if recommended by her mental health professional. If Miyashita continues counseling, she shall ensure that reports are sent to the State Bar as set out in paragraph 5(f).
- e) Miyashita shall cooperate with the Certified Public Accountant and shall ensure that the Certified Public Accountant has all information necessary to submit required reports, as set out in paragraph 5(h) and (i) of this order.

7. Miyashita is responsible for ensuring that all conditions set out in paragraph's 5 and 6 are met during the stay of any active suspension of her law license. The violation of any condition set out in paragraph 5 or shall be grounds for the State Bar to institute show cause proceedings to rescind the stay of the suspension of Miyashita's license.

Signed by the hearing committee chair with the consent of the other hearing committee member.

This the 7th day of December, 1998.

  
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James R. Fox, Chair  
Disciplinary Hearing Committee