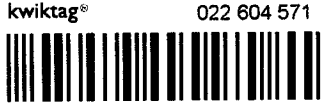


PUBLIC MATTER
FILED



MAR 02 2005

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

**THE STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES**

1
2
3
4
5
6
7
8 In the Matter of)
9 **KRISTEN T. HOEL,**) **Case No. 02-O-13702-PEM**
10 **Member No. 164079,**) **02-C-12303; 03-N-01424**
11 A Member of the State Bar.) **(Consolidated)**
12) **DECISION**

13 **INTRODUCTION**

14 In this disciplinary matter, Michael J. Glass most recently appeared for the Office of the
15 Chief Trial Counsel of the State Bar of California ("State Bar"). Respondent Kristen T. Hoel
16 participated throughout the proceedings, with a few exceptions, but did not appear in person or
17 by counsel at the time of trial.

18 After considering the evidence and the law, the Court recommends, among other things,
19 that respondent be suspended for three years and until she provides proof satisfactory to the State
20 Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general
21 law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional
22 Misconduct, and that the suspension be stayed on conditions including one year actual
23 suspension and until she complies with rule 205, Rules Proc. of State Bar.

24 **SIGNIFICANT PROCEDURAL HISTORY**

25 **Case No. 02-O13702**

26 The Notice of Disciplinary Charges ("NDC") was filed on November 1, 2002. A
27 response was filed on March 7, 2003.

28 ///

1 **Case No. 02-C- 12303**

2 On January 15, 2002, the Review Department of the State Bar Court filed an order
3 intermily suspending respondent from the practice of law and requiring her compliance with rule
4 955, Cal. Rules of Court ("CRC 955").

5 On May 13, 2003, respondent's conviction for violating Penal Code section 484(a) was
6 referred to the Hearing Department to conduct a hearing and to make a recommendation as to the
7 level of discipline.

8 On May 30, 2003, the Notice of Hearing on Conviction was filed. A response was filed
9 on March 5, 2004.

10 **Case No. 03-N-01424**

11 The NDC was filed on May 22, 2003. A response was filed on March 5, 2004.

12 **Matters Applicable to All Cases**

13 Respondent participated intermittently during the pendency of the proceedings. Although
14 she had notice of the proceedings, she did not appear at status or settlement conferences held on
15 December 20, 2002, September 15, 2003, April 8, 2004, and May 10, 2004.

16 On May 11, 2004, the three cases were consolidated for trial.

17 On August 23 and on September 20, 2004, the Court denied respondent's motions for a
18 continuance of the trial. Respondent's motions had been made on the basis of illness and
19 ensuing inability to prepare for trial and financial inability to travel to trial. The motions were
20 denied for failure to provide sufficient evidence to meet the good cause standard. (Rules 105(c)
21 and 115.)

22 On September 7, 2004, respondent's default was entered due to her failure to appear at
23 trial on that date. A copy of the order was served on one of respondent's alternate addresses but
24 not at her State Bar membership records address ("official address").

25 On September 24, 2004, OCTC filed a brief along with declarations in lieu of testimony.
26 The declarations are admitted into evidence.

27 On December 9, 2004, the Court, on its own motion, vacated the default and the
28 involuntary inactive enrollment order *nunc pro tunc* to September 7, 2004, as well as the

1 submission date.

2 On December 30, 2004, the Court entered respondent's default and enrolled her inactive
3 effective three days after service of the order. The order was properly served on her at her
4 official address and at the address shown on the caption of her responses to these actions as well
5 as at the address shown on the caption of her September 7, 2004, motion for continuance on that
6 same date by certified mail, return receipt requested.

7 The State Bar's efforts to locate and contact respondent were fruitless.

8 The matter was submitted for decision without hearing on December 31, 2004.

9 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

10 The Court's findings are based on the allegations contained in the NDC as they are
11 deemed admitted and no further proof is required to establish the truth of those allegations.
12 (Section 6088; Rule 200(d)(1)(A), Rules Proc. of State Bar.) The findings are also based on any
13 evidence admitted.

14 It is the prosecution's burden to establish culpability of the charges by clear and
15 convincing evidence. (*In the Matter of Glasser* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr.
16 163, 171.)

17 **Jurisdiction**

18 Respondent was admitted to the practice of law in California on May 17, 1993, and has
19 been a member of the State Bar at all times since.

20 **State Bar Court Case No. 02-O-13702**

21 **Facts**

22 In April 1999, Luna Po Drake retained attorney Jerry Shapiro at the California Law
23 Centers ("CLC") to represent her in a dissolution of marriage. On April 29, 1999, Shapiro filed a
24 petition for Drake's dissolution of marriage. (*Drake v. Drake*, Los Angeles Superior Court case
25 no. LD028523.)

26 In late Spring, 2000, Shapiro left CLC and respondent began working there. On June 9,
27 2000, a substitution of attorney was filed in Drake's case, substituting respondent for Shapiro.
28 On that same date, Drake paid respondent a \$250 retainer.

1 By March 25, 2001, Drake had paid and respondent had earned \$1250 for legal services
2 provided relating to the dissolution of marriage.

3 On April 19, 2001, Drake entered into a marital settlement agreement with her estranged
4 husband, Sam, in which Sam agreed to repay her the \$1500 she had incurred in legal fees.

5 By late September or early October 2001, Sam had fallen behind in his payments to
6 Drake. Drake retained respondent to take action to bring Sam current in his payments to her.
7 Respondent charged Drake \$600 to collect the money Sam owed her. On October 5, 2001, Drake
8 wrote him a check for that amount.

9 On October 22, 2001, respondent advised Drake that the bank would not cash her check
10 because it did not bear the address of Drake's bank. She also told Drake that she would rather
11 have the \$600 in cash. Drake went to two different banks and withdrew a total of \$600.
12 Respondent went to Drake's workplace to pick up the cash.

13 On October 22, 2001, Drake called her bank and discovered that the \$600 check she had
14 given to respondent had cleared and was paid on October 17, 2001. Drake called respondent
15 several times thereafter and asked her to return the \$600 overpayment. Respondent told Drake
16 that she would try to return the money. She never did so.

17 On March 1, 2002, respondent and Drake met Sam at the courthouse. Without legal
18 intervention from respondent, Sam paid Drake the balance of the money he owed her. Drake
19 asked respondent if Sam was going to repay the \$1200 in legal fees she had paid respondent to
20 collect the money Sam owed Drake. Respondent advised Drake that she would have to sue Sam
21 to recover those fees. Respondent told Drake that she would file a suit against Sam and that it
22 would take one month for the suit to be "processed and scheduled." Respondent never filed
23 Drake's lawsuit. She took no action against Sam to recoup the attorney fees Drake had paid and,
24 therefore, did not earn any of the \$1200 Drake paid her. She effectively withdrew from
25 representing Drake. Respondent did not communicate with Drake after March 1, 2002.

26 In April 2002, Drake called respondent's cell phone to check on the status of the lawsuit
27 against Sam. The cell phone had been disconnected.

28 In April 2002, Drake sent two letters to respondent's home address. Both letters were

1 returned by the United States Postal Service bearing the stamp "Attempted. Not known." One
2 of the letters bore the handwritten notation "Moved. Left no forward (sic) address".

3 In July 2002, Drake called respondent's office and spoke with his secretary, Carmen, who
4 said that respondent had not been in the office and that the mail and telephone messages were
5 piling up.

6 In July 2002, Drake and Carmen unsuccessfully attempted to fax letters to respondent's
7 family home in Wisconsin, where, they learned, she had been visiting.

8 In August 2002, respondent called Drake's office. Carmen told her that respondent was
9 back from Wisconsin but had not given Carmen her new telephone number.

10 On August 5, 2002, the State Bar opened an investigation on case no. 02-O-13702
11 pursuant to a complaint filed by Drake regarding allegations of misconduct by respondent in this
12 matter. On that same date, a State Bar investigator sent respondent a letter requesting that
13 respondent answer in writing specific allegations of misconduct regarding the Drake complaint.
14 The letter was addressed to respondent's official membership records address and sent by first-
15 class mail, postage prepaid. It was not returned to the State Bar as undeliverable or for any other
16 reason. Respondent did not answer the letter or otherwise communicate with the investigator.

17 **Conclusions of Law**

18 **Count One - Rule 3-110(A) (Failure to Perform Competently)**

19 RPC 3-110(A) prohibits an attorney from intentionally, recklessly or repeatedly failing to
20 perform legal services competently.

21 By not filing the lawsuit against Sam to recoup the attorney fees Drake had paid,
22 respondent intentionally, recklessly or repeatedly did not perform competently in wilful violation
23 of RPC 3-110(A).

24 **Count Two - Section 6068(m) (Failure to Communicate)**

25 Section 6068(m) requires an attorney to respond promptly to reasonable status inquiries
26 of clients and to keep clients reasonably informed of significant developments in matters with
27 regard to which the attorney has agreed to provide legal services.

28 By not responding to Drake's calls inquiring about the status of the lawsuit against Sam;

1 by not informing Drake that she had not filed a lawsuit against Sam; and by not informing Drake
2 that she did not intend to pursue the lawsuit against Sam, respondent did not respond promptly to
3 Drake's reasonable status inquiries or keep her reasonably informed of significant developments
4 in wilful violation of section 6068(m).

5 **Count Three - RPC 3-700(A)(2) (Improper Withdrawal from Representation)**

6 RPC 3-700(A)(2) prohibits an attorney from withdrawing from employment until he or
7 she has taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of a client,
8 including giving due notice to the client, allowing time for employment of other counsel,
9 complying with RPC 3-700(D) and with other applicable laws and rules.

10 By not informing Drake that she was not going to file a lawsuit against Sam and that she
11 intended to withdraw from employment, respondent effectively withdrew from employment. By
12 not informing the client of her intent to withdraw from employment, respondent failed to take
13 reasonable steps to avoid reasonably foreseeable prejudice to the client in wilful violation of RPC
14 3-700(A)(2).

15 **Count Four - RPC 3-700(D)(2) (Failure to Return Unearned Fees)**

16 RPC 3-700(D)(2) requires an attorney whose employment has terminated to promptly
17 return any part of a fee paid in advance that has not been earned. This rule does not apply to true
18 retainer fees paid solely for the purpose of ensuring the availability of an attorney to handle a
19 matter.

20 By not refunding the \$600 overpayment and the \$600 retainer Drake paid to collect funds
21 from Sam, respondent did not return advanced, unearned fees in wilful violation of RPC 3-
22 700(D)(2).

23 **Count Five - Section 6106 (Dishonesty or Moral Turpitude)**

24 Section 6106 makes it a cause for disbarment or suspension to commit any act involving
25 moral turpitude, dishonesty or corruption, whether the act is committed in the course of his or her
26 relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not.

27 There is clear and convincing evidence that respondent violated section 6106 of the
28 Business and Professions Code. She misrepresented to Drake that the bank could not cash the

1 check when, in fact, the check had been cashed. Accordingly, she committed an act of moral
2 turpitude, dishonesty or corruption in wilful violation of section 6106.

3 **Count Six - Section 6068(i) (Failure to Participate in a Disciplinary Investigation)**

4 Section 6068(i) requires an attorney to participate and cooperate in any disciplinary
5 investigation or other disciplinary or regulatory proceeding pending against him- or herself.

6 By not responding to the State Bar investigator's August 5, 2002, letter, respondent did
7 not participate in the investigation of the allegations of misconduct regarding the Drake case in
8 wilful violation of 6068(i).

9 **State Bar Court Case No. 02-C-12303**

10 **Facts**

11 **The Conviction**

12 On February 18, 2002, respondent was arrested. On March 12, 2002, a complaint was
13 filed charging respondent with felony violations of Health and Safety Code sections 11350(A)
14 (possession of a controlled substance) and Penal Code 487(a) (grand theft: property in excess of
15 \$400) [theft of cough syrup from SavOn Drugs]).

16 On May 30, 2002, respondent pled not guilty to both counts. On June 6, 2002, the
17 complaint was amended to add a third count, a misdemeanor violation of Penal Code section
18 484(a) and the other counts were dismissed in furtherance of justice. Respondent pled *nolo*
19 *contendere* to the section 484(a) violation.

20 On June 6, 2002, respondent was sentenced to 18 days jail (with credit for 12 days and six
21 days good time/work time); 24 months summary probation; 230 hours community service;
22 restitution of \$204 to Rite Aid/SavOn Drug Store; payment of \$100 to the Victim's Restitution
23 Fund; and obey all laws.

24 As of April 3, 2003, no appeal had been filed. Since the time for seeking appeal had
25 elapsed, the conviction is final.

26 **Facts and Circumstances Surrounding the Conviction**

27 On November 27, 2002, respondent's June 6, 2002, conviction for one count of violating
28 Penal Code section 484(a), a misdemeanor involving moral turpitude, was transmitted to the

1 State Bar Court. (Los Angeles Superior Court, case no. SA044597.)

2 On January 15, 2003, the Review Department ordered that respondent be placed on
3 interim suspension and that she comply with CRC 955.

4 On February 18, 2002, respondent was observed to walk through the rear entrance that
5 leads to the storage area near the pharmacy. She entered the pharmacy from the rear with a red
6 plastic tote in her right hand. These totes are only located in the rear part of the store and are
7 only used for storage, not for use by customers. Respondent set the tote on the floor and then
8 took two 473 ml bottles of Tussionex, a prescription cough syrup, and placed them in the tote.
9 She walked out of the pharmacy's rear entrance. The Rite Aid worker who witnessed the events
10 followed respondent as she walked quickly in an attempt to exit through the rear "Emergency
11 Exit Only" doors and grabbed her just prior to her pushing the door open. Respondent dropped
12 the basket causing one of the bottles to break. The worker detained respondent and asked a
13 coworker to call the police who arrested her. She was taken to the Van Nuys jail and a doctor
14 examined her noting she had bronchitis.

15 According to the police report, each bottle of Tussionex was valued at \$204.69.

16 Respondent's declaration under penalty of perjury under Minnesota law in response to
17 these disciplinary charges indicated that the conviction is a petty theft of a medicine for which
18 she had a legitimate medical need, as determined by a medical examiner appointed by the County
19 of Los Angeles at the time of arrest.

20 Respondent further averred that she was in the process of raising money to move to have
21 her conviction expunged because she would not have pled to the offense if she had known the
22 true facts upon which the conviction was based. She claimed to have based her plea on the
23 prosecutor's representation that the pharmacy department of the SavOn store from which she was
24 accused of taking the medicine was owned by Rite Aid and it was considered theft when she left
25 the pharmacy department even though she had not left the store at the time of the arrest.

26 The Court did not consider these claims for two reasons: 1) the record of respondent's
27 conviction is conclusive evidence of guilt of the crime of which she was convicted (section
28 6101); and 2) the declaration does not state that it is declared under the laws of the State of

1 California as required by Code Civ. Proc. section 2015.5, accordingly, it is insufficient to support
2 respondent's assertions.

3 **Conclusions of Law**

4 The Court finds that the conviction for violation of Penal Code section 484(a) involved
5 moral turpitude and merits discipline as discussed below.

6 **State Bar Court Case No. 03-N-01424**

7 **Facts and Legal Conclusion**

8 On January 15, 2003, the Review Department of the State Bar Court filed an order
9 interimly suspending respondent from the practice of law and requiring her compliance with rule
10 955, Cal. Rules of Court. This order was properly served on that same date on respondent at her
11 official address by first-class mail.

12 The January 15 order was effective on February 16, 2002. (Rule 953(a), Cal. Rules of
13 Court.) Accordingly, respondent was to comply with CRC 955(a) no later than March 18, 2003,
14 and with CRC 955(c) no later than March 28, 2003.

15 A copy of the January 15 order also was attached to the NDC in the instant proceeding.

16 On January 23, 2003, the State Bar's Probation Office sent respondent a copy of the
17 January 15 order. The letter was sent by first-class mail, postage prepaid, to respondent's State
18 Bar membership records address.

19 As of May 22, 2003, respondent had not filed with the State Bar Court the affidavit
20 required by CRC 955(c). She did so on March 18, 2004.¹ The affidavit indicates that, as of the
21 date of the order requiring compliance with CRC 955, respondent did not have any clients or

22
23 ¹Although the month and day are difficult to read, it appears that the affidavit was executed on
24 May 20, 2003. In her response to this disciplinary action, filed March 5, 2004, respondent
25 declared under penalty of perjury pursuant to Minnesota law that she responded to OCTC's letter
26 of intent to file disciplinary charges by calling twice prior to the May 20, 2003, deadline stated in
27 the letter with certain questions about the affidavit. She did not receive a return call until May
28 30, 2003, and then filed the affidavit "immediately afterward." Court records show that the
affidavit was not filed until March 18, 2004. No explanation is offered for the discrepancy
between the execution and filing dates. In any event, the declaration does not state that it is
declared under the laws of the State of California as required by Code Civ. Proc. section 2015.5,
accordingly, it is insufficient to support respondent's assertions.

1 papers or property to which they were entitled.

2 Based on the foregoing, it has been proved by clear and convincing evidence that
3 respondent wilfully violated the January 15 order directing her compliance with CRC 955.² This
4 constitutes a violation of section 6103, which requires attorneys to obey court orders.

5 **LEVEL OF DISCIPLINE**

6 **Aggravating Circumstances**

7 Respondent's multiple acts of misconduct are an aggravating factor. (Standard 1.2(b)(ii),
8 Rules of Procedure of the State Bar of California, tit. IV, Standards for Attorney Sanctions for
9 Professional Misconduct ("standards").)

10 Respondent's misconduct was surrounded by other violations of the State Bar Act.
11 (Standard 1.2(b)(iii).) Respondent misrepresented to the State Bar Court that she had changed
12 her official address when, in fact, she had not, a violation of section 6068(d). The court
13 judicially notices its records which contain an voluntary settlement conference order filed on
14 April 30, 2003, noting, in part: "Respondent has now changed her official State Bar address with
15 Member Records." Respondent participated in the settlement conference. Section 6068(d)
16 requires an attorney from employing, for the purpose of maintaining the causes confided to him
17 or her, those means only as are consistent with the truth, and never to seek to mislead the judge
18 or any judicial officer by an artifice or false statement of fact or law.

19 Respondent's misconduct significantly harmed clients. (Standard 1.2(b)(iv).) Drake
20 made repeated and continued unsuccessful efforts to contact respondent to ascertain the status of
21 her case against her former husband.

22 Respondent's failure to participate in these proceedings prior to the entry of default is also
23 an aggravating factor. (Standard 1.2(b)(vi).) Although she had notice of these proceedings, she
24 did not appear at status or settlement conferences held on December 20, 2002, September 15,

25
26
27 ²"Wilfulness" in the context of CRC 955 does not require actual knowledge of the provision
28 which is violated. The Supreme Court has disbarred an attorney whose failure to keep his
official address current prevented him from learning that he had been ordered to comply with
CRC 955. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)

1 2003, April 8, 2004, and May 10, 2004. She has demonstrated her contemptuous attitude toward
2 disciplinary proceedings as well as her failure to comprehend the duty of an officer of the court to
3 participate therein, a serious aggravating factor. ((Standard 1.2(b)(vi); Cf. *In the Matter of*
4 *Stansbury* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 104, 109.)

5 **Mitigating Circumstances**

6 Since respondent did not participate in these proceedings and she bears the burden of
7 establishing mitigation by clear and convincing evidence, the Court has been provided no basis
8 for finding mitigating factors other than no prior instances of discipline between her admission to
9 the practice of law in California in 1993 and the commencement of misconduct in about October
10 2001.

11 **Discussion**

12 The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to
13 protect the public, to preserve public confidence in the profession, and to maintain the highest
14 possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111;
15 *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; standard 1.3.)

16 Standard 1.6 provides that the appropriate sanction for the misconduct found must be
17 balanced with any mitigating or aggravating circumstances, with due regard for the purposes of
18 imposing discipline. If two or more acts of professional misconduct are found in a single
19 disciplinary proceeding, the sanction imposed shall be the most severe of the applicable
20 sanctions. (Standard 1.6(a).) The level of discipline is progressive. (Standard 1.7(b).)

21 In a conviction referral proceeding, "discipline is imposed according to the gravity of the
22 crime and the circumstances of the case."(*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State
23 Bar Ct. Rptr. 502, 510.) An attorney's commission of a crime involving moral turpitude is
24 always a matter of serious consequence but does not always result in disbarment; the sanction
25 imposed is determined in each case depending on the nature of the crime and the circumstances
26 presented by the record. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct.
27 Rptr. 96, 103.)

28 Standards 2.3, 2.4(a), 2.6(a), 2.10 and 3.2 apply in this matter. The most severe sanction

1 is suggested by standard 3.2 which calls for disbarment following final conviction of a crime that
2 involves moral turpitude, either inherently or in the facts and circumstances surrounding the
3 crime's commission. Disbarment shall not be imposed only if the most compelling mitigating
4 circumstances clearly predominate and, in those cases, the discipline shall not be less than two
5 years actual suspension, prospective to any interim suspension imposed, irrespective of
6 mitigating circumstances.³ However, the standards are guidelines from which the Court may
7 deviate in fashioning the most appropriate discipline considering all the proven facts and
8 circumstances of a given matter. (*In re Young* (1989) 49 Cal.3d 257, 267 (fn. 11); *Howard v.*
9 *State Bar* (1990) 51 Cal.3d 215.) They are "not mandatory 'sentences' imposed in a blind or
10 mechanical manner." (*Gary v. State Bar* (1988) 44 Cal.3d 820, 828.)

11 Respondent's wilful failure to comply with CRC 955(c) is extremely serious misconduct
12 for which disbarment is generally considered the appropriate sanction. (*Bercovich v. State Bar*
13 (1990) 50 Cal.3d 116,131; *Lydon v. State Bar* (1988) 45 Cal.3d at p. 1188; *Powers v. State Bar*
14 (1988) 44 Cal.3d at p. 342; rule 955(d), Cal. Rules of Court.) However, respondent did comply
15 with the rule, although belatedly, and the affidavit indicates that she had no clients or documents
16 or property to return to them at the time the order became effective.

17 OCTC seeks stayed suspension of three years and until respondent complies with
18 standard 1.4(c)(ii); three years probation⁴; and actual suspension of one year and until respondent
19 makes restitution to Drake.

20 Respondent has been found culpable of not complying with CRC 955; being convicted of
21 a misdemeanor involving moral turpitude; and, in one client matter, of not performing
22 competently, not communicating, abandoning the client, not returning unearned fees, making a
23 misrepresentation to the client and not cooperating with the State Bar in the disciplinary

24
25 ³The Supreme Court has effectively modified the standard calling for a minimum two-year
26 prospective suspension in matters arising from the commission of crimes of moral turpitude by
27 rejecting the requirement that the suspension be automatically prospective. (*In the Matter of*
28 *Lybbert* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 297, 307.)

⁴Respondent may be placed on probation subject to conditions as the Court deems appropriate
if a motion to terminate her actual suspension is granted. (Rule 205(g).)

1 investigation.

2 The Court found *In re Naney* (1990) 51 Cal.3d 186 instructive. Respondent Naney was
3 disbarred after three misdemeanor convictions for misappropriation of \$17,000 from the client
4 trust account. Aggravating circumstances included dishonesty, uncharged violations and lack of
5 insight. Respondent Naney presented several mitigating circumstances, including no prior
6 discipline in seven years and lack of harm to client. The instant case presents substantially less
7 serious misconduct than *Naney*.

8 Having considered the evidence and the law, the Court believes that a one-year actual
9 suspension, prospective to the interim suspension, and to remain in effect until she makes
10 restitution, complies with standard 1.4(c)(ii), explains to this Court the reasons for not
11 participating herein and demonstrates her willingness to comply fully with probation conditions
12 that may hereafter imposed, among other things, is adequate to protect the public and
13 proportionate to the misconduct found and the Court so recommends.

14 **DISCIPLINE RECOMMENDATION**

15 Accordingly, it is hereby recommended that respondent **Kristen T. Hoel** be suspended
16 from the practice of law for three years and until she provides proof satisfactory to the State Bar
17 Court of his rehabilitation, fitness to practice and present learning and ability in the general law
18 pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct;
19 that said suspension be stayed; and that she be actually suspended from the practice of law for
20 one year and until she makes restitution to Luna Po Drake (or the Client Security Fund, if
21 appropriate) in the amount of \$1200 plus 10% interest per annum from October 22, 2001, and
22 furnishes satisfactory proof thereof to the State Bar Office of Probation; and until she provides
23 proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present
24 learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney
25 Sanctions for Professional Misconduct; and until the State Bar Court grants a motion to
26 terminate respondent's actual suspension at its conclusion or upon such later date ordered by the
27 Court. (Rule 205(a), (c), Rules of Proc. of State Bar.) The period of actual suspension shall be
28 prospective to the period of interim suspension imposed.

1 It is also recommended that she be ordered to comply with the conditions of probation, if
2 any, hereinafter imposed by the State Bar Court as a condition for terminating her actual
3 suspension.

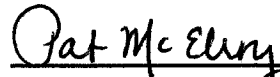
4 It is not recommended that respondent be ordered to comply with the requirements of rule
5 955 of the California Rules of Court because she has already done so during the time of her
6 interim suspension.

7 It is further recommended that respondent be ordered to take and pass the Multistate
8 Professional Responsibility Examination given by the National Conference of Bar Examiners
9 during the period of her actual suspension and furnish satisfactory proof of such to the State Bar
10 Office of Probation within said period.

11 **COSTS**

12 The Court recommends that costs be awarded to the State Bar pursuant to Business and
13 Professions Code section 6086.10, and that those costs be payable in accordance with section
14 6140.7.

15
16
17 Dated: March 2, 2004


PAT McELROY
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 March 2, 2005, I deposited a true copy of the following document(s):

DECISION, filed March 2, 2005

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 Drancisco, California, addressed as follows:

KRISTEN T. HOEL
2029 CENTURY PARK E #1700
LOS ANGELES CA 90067

COURTESY COPIES TO:

KRISTEN T. HOEL
101 RIDGEWOOD DR
CORNELL WI 54732

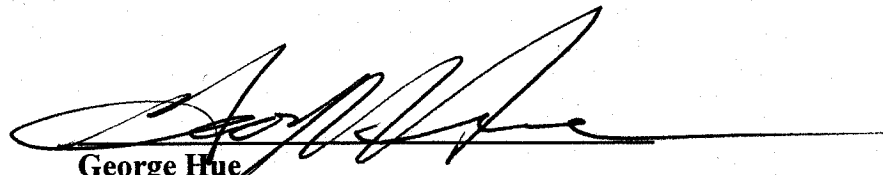
KRISTEN T. HOEL
P O BOX 124
CORNELL WI 54732-0124

KRISTEN T. HOEL
92 CHAPEL DR
P O BOX 173
ALTURA MN 55910

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

MICHAEL GLASS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **March 2, 2005**.



George Hue
Case Administrator
State Bar Court