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State Bar Court of California
Hearing Department
Los Angeles

PUBLIC MATTER

Counsel For The State Bar Melanie J. Lawrence 1149 South Hill Street Los Angeles, CA 90015 Bar # 230102	Case Number (s) 06-O-11382	(for Court's use) <div align="center"> FILED APR 23 2009 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent David Cameron Carr 3333 Camino Del Rio South, Suite 215 San Diego, CA 92108 Bar # 124510	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Heather Diane Trapnell 940 W. Main St. Ste. 102 El Centro, CA 92243 Bar # 220374 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 **July 15, 2002**.
- (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. (Check one option only):
- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years: **3 billing cycles following the effective date of the Supreme Court order.**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - ☐ costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **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.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances** are involved.

C. Mitigating Circumstances [see standard 1.2(e)]. 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 deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☒ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating 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 in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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 convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **one year**.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, 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 probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, 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 period of probation. 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 probation during the preceding calendar quarter. Respondent must also state 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 days, that report must be submitted on the next 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 period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor 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 probation 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 probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 954-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☐ **Rule 955-9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955-9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (3) ☐ **Conditional Rule 955-9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955-9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Heather Diane Trapnell

CASE NUMBER(S): 06-O-11382

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND
STIPULATED FACTS AND CULPABILITY:**

The parties waive any variance between the Notice of Disciplinary Charges filed on December 19, 2008, and the facts and/or conclusions of law contained in this stipulation and waive the issuance of an Amended Notice of Disciplinary Charges. The parties further waive the right to the filing of an Amended Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

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.

Facts:

1. Respondent was required to report her compliance with MCLE requirements by January 31, 2005.
2. Between October 29, 2004 and July 15, 2005 the State Bar of California, Office of Certification, sent Respondent four notices of her requirement to report her MCLE requirements, to her membership records addresses, which she received.
3. On August 5, 2005, the Office of Certification sent a "MCLE Non-Compliance Final Notice" to Respondent ("Final Notice") at her membership records address which she received.
4. The Final Notice stated, in part, that: as of July 28, 2007, Respondent was not in compliance with the MCLE Rules and Regulations for the compliance period ending January 31, 2005; and "To avoid being placed on Not Entitled status, you must ensure that the items listed as owed in the box above are submitted to the State Bar by 5pm, September 15, 2005. The Final Notice further stated,

As stated in the 60-Day Notice mailed to you on July 15th, ... If you failed to comply with the minimum continuing legal education ("MCLE") requirement by September 15, 2005 at 5:00 p.m., you shall be enrolled as an inactive* member ('Not Entitled' to practice) of the State Bar and will not be permitted to practice law until such time as adequate proof of compliance is received by the State Bar." (Footnote omitted.)

5. On September 16, 2005, because Respondent did not proof of MCLE compliance, Respondent was enrolled as an inactive member of the State Bar and was not permitted to practice law.

6. On September 23, 2005, the Office of Certification sent a "MCLE Non-Compliance - Notice of Enrollment on Not Eligible Status" to Respondent ("Notice of Not Eligible Status") at her membership records address, which she received.

7. The Notice of Not Eligible Status stated, in part, that:

You have been enrolled on not eligible status effective September 16, 2007.

You are not eligible to practice law as of that date and you will not be reinstated to practice until you have been reinstated to active status.

If you practiced law during the period when you are on Not Eligible status, you will be subject to disciplinary action by the State Bar. (Emphasis omitted.)

8. Each of the notices were delivered to a mailbox in Respondent's office that she did not routinely check.

9. On September 27, 2005, October 4, 2005, and October 6, 2005, Respondent appeared on behalf of the People in *People v. James Franklin Green*, Imperial County Superior Court Case No. ("Imperial Case No.") J844659, for: (a) a "Pre-Trial Conference" during which a "Preliminary Examination" was set for October 4, 2005; (b) a "Preliminary Examination" during which the matter was trailed until October 6, 2005; and (c) a "Preliminary Examination" during which Respondent moved to dismiss the matter, respectively.

10. On September 29, 2005, October 6, 2005, and October 11, 2005, Respondent appeared on behalf of the People in *People v. Roland Shelton*, Imperial Case No. ECM17608, for: (a) a hearing during which the matter was continued until October 6, 2005; (b) a hearing during which a "Pre-Trial Violation of Probation and Hearing Setting" conference was set for October 11, 2005; and (c) a "Pre-Trial Conference [and] Violation of Probation" hearing during which the matter was continued to October 13, 2005, respectively.

11. On September 29, 2005, October 6, 2005, and October 11, 2005, Respondent appeared on behalf of the People in *People v. Roland Shelton*, Imperial Case No. JCF16482, for: (a) a "Warrant Surrender" hearing during which Respondent requested that the defendant be taken into custody and bail be set, a "Pre-Trial" conference was set for October 6, 2005, and a "Preliminary Examination" was set for October 11, 2005; (b) a "Pre-Trial Conference"; and (c) a "Preliminary Examination" during which Respondent requested a continuance to October 13, 2005, respectively.

12. On October 6, 2005, and October 11, 2005, Respondent appeared on behalf of the People in *People v. Roland Shelton, Jr.* Imperial Case No. ECM18664, for: (a) a "Pre-Trial & Setting of Jury Trial" conference during which a "Pre-Trial and Trial Setting" hearing was set for October 11, 2005; and (b) a "Pre-Trial and Trial Setting" conference during which the hearing was continued to October 13, 2005, respectively.

13. On September 29, 2005, October 6, 2005, and October 11, 2005, Respondent appeared on behalf of the People in *People v. Roland Shelton, Jr.*, Imperial Case No. ECM19045, for: (a) an "Arraignment: Complaint" proceeding during which a "Pre-Trial/Setting" was set for October 6, 2005; (b) a "Pre-Trial & Setting of Jury Trial" conference during which a "Pre-Trial and Trial Setting" conference was set for October 11, 2005; and (c) a "Pre-Trial and Setting of Jury Trial" conference during which the conference was continued to October 13, 2005, respectively.

14. On September 29, 2005, October 6, 2005, October 14, 2005, and October 19, 2005, Respondent appeared on behalf of the People in *People v. Ivan Alberto Osuna*, Imperial Case No. JCF16223, for: (a) a "Pre-Trial Conference" during which a "Pre-Trial/Setting" conference was set for October 6, 2005; (b) a "Pre-Trial Conference" during which a further "Pre-Trial Conference and Prelim Setting" was set for October 7, 2005; (c) a "Pre-Trial Conference & Prelim Setting" during which a "Preliminary Examination" was set for October 26, 2005 and another "Pretrial" conference was set for October 19, 2005; and (d) a "Pre-Trial Conference" during which the "Pretrial" conference was continued to October 21, 2005, respectively.

15. On October 6, 2005, October 14, 2005, October 17, 2005, and October 18, 2005, Respondent appeared on behalf of the People in *People v. Eugene Jerome Ford*, Imperial Case No. JCF16682, for: (a) a "Pre-Trial Conference" during which a "Preliminary" examination was set for October 14, 2005; (b) a "Preliminary Examination" during which Respondent requested a continuance; (c) a "Preliminary Examination" during which Respondent requested a continuance; and (d) a "Preliminary Examination" during which Officer Aaron Reel was sworn and testified, and exhibits were entered into evidence; respectively.

16. On October 6, 2005, October 20, 2005, and October 31, 2005, Respondent appeared on behalf of the People in *People v. Juan Ricardo Cota*, Imperial Case No. JCF15583, for: (a) a "Preliminary Examination" during which a witness was sworn and examined, and exhibits were entered into evidence, and an "Arraignment" was set for October 20, 2005; (b) an "Arraignment" during which a "Pretrial" conference was set for November 16, 2005 and a "Trial" was set for December 16, 2006; and (c) a "Motion Hearing" during which the defendant pled guilty to a felony count of Penal Code section 261.5(D) – Unlawful Sexual Intercourse/Adult Over 12 Years," respectively.

17. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Fabian Valenciana Diaz*, Imperial Case No. CF-11002, for a "Sentencing and Report" hearing during which the defendant was sentenced to 90 days in custody at the County jail after a felony conviction and remanded to the custody of the sheriff.

18. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Juan Ramon Zaragoza*, Imperial Case No. JCF16423, for a "Sentencing and Report" hearing during which the defendant was sentenced to 74 days in custody at the County jail after a felony conviction and remanded into custody of the sheriff.

19. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Luis Madrigal*, Imperial Case No. JCF16425, for a "Warrant Recall" proceeding during which the defendant was sentenced to 90 days in custody at the County jail after a felony conviction and remanded into custody of the sheriff.

20. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Ricky John Buss*, Imperial Case No. JCF14317, for a "Pre-Trial Conference" during which a "Pre-Trial and Prelim Setting" conference was set for November 10, 2005 and the defendant was remanded into custody of the sheriff.

21. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Angel Ortiz*, Imperial Case No. JCF15658, for a "Pre-Trial Conference" during which a "Pre-Trial and Prelim Setting" conference was set for November 4, 2005.

22. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Maricela Ruiz*, Imperial Case No. JCF16557, for a "Pre-Trial Conference" during which a "Pre-Trial and Prelim Setting" conference was set for November 4, 2005.

23. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Irene Molina*, Imperial Case No. JCF16199, for a "Pre-Trial Conference" during which a "Pre-Trial and Prelim Setting" conference was set for October 27, 2005.

24. On October 6, 2005, and October 12, 2005, Respondent appeared on behalf of the People in *People v. Bernadette Carrillo*, Imperial Case No. JCF16547, for: (a) a "Pre-Trial Conference" during which a "Pre-Trial and Prelim Setting" conference was set for October 12, 2005; and (b) Pre-Trial Conference" during which the defendant was sentenced to 30 days in custody at the County jail and placed on summary probation for 36 months after pleading guilty, respectively.

25. On September 29, 2005 and October 6, 2005, Respondent appeared on behalf of the People in *People v. Daniel Manuel Marquez*, Imperial Case No. JCF16462, for: (a) a "Pre-Trial Conference" during which a "Pre-Trial/Setting" conference was set for October 6, 2005, and the defendant was remanded into custody of the sheriff; and (b) a "Pre-Trial & Setting of Jury Trial" conference, respectively.

26. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Francisco Javier Gonzalez*, Imperial Case No. ECM15552, for a "Pre-Trial Conference" during which Respondent dismissed the matter.

27. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Francisco Javier Gonzalez*, Imperial Case No. JCF14184, for a "Pre-Trial Conference" during which the defendant was sentenced to 120 days in custody at the County jail after pleading guilty to a felony and remanded into custody of the sheriff.

28. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Francisco Javier Gonzalez*, Imperial Case No. JCF14184, for a "Pre-Trial Conference" during which the defendant was sentenced to 120 days in custody at the County jail after pleading guilty to a felony and remanded into custody of the sheriff.

29. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Pedro Antonio Perez*, Imperial Case No. JCF15736, for a "Pre-Trial Conference" during which Respondent filed a 1st Amended Complaint, a "Preliminary hearing" was set for October 13, 2005, and the defendant was remanded into custody of the sheriff.

30. On October 6, 2005, Respondent appeared on behalf of the People in *People v. John Lukas Prock*, Imperial Case No. JCF16043, for a "Pre-Trial Conference" during which a further "Pre-Trial Conference" was set for October 20, 2005, and a "Preliminary hearing" was set for November 2, 2005.

31. On October 4, 2005, and October 6, 2005, Respondent appeared on behalf of the People in *People v. Bonifacio Navarro*, Imperial Case No. J851822, for: (a) a "Pre-Trial Conference" during which a "Preliminary Examination" was set for October 6, 2005; and (b) a further "Pre-Trial Conference," respectively.

32. On October 6, 2005, and October 11, 2005, Respondent appeared on behalf of the People in *People v. Martha Jean Gauna*, Imperial Case No. JCF14507, for a: (a) a "Pre-Trial Conference"; and (b) a hearing for the "Appointment of Counsel" during which a "Pre-Trial Setting" conference was set for October 20, 2005, respectively.

33. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Ivan Ramirez*, Imperial Case No. J847815, for a "Pre-Trial Conference" during which a "Pre-Trial and Prelim Setting" conference was set for November 3, 2005. On or about October 6, 2005, Respondent appeared on behalf of the People in *People v. Lori Solarez Woolf Perez*, Imperial Case No. JCF16436, for a "Pre-Trial Conference [and] Bail Review" hearing during which a "Preliminary hearing" was set for October 13, 2005, and the defendant was remanded into custody of the sheriff.

34. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Johnathan Michael Walker*, Imperial Case No. JCF16618, for a "Pre-Trial Conference" during which Respondent dismissed Counts two and three of the complaint, the defendant was sentenced to three years formal probation after pleading guilty to a felony, and the defendant was remanded into custody of the sheriff.

35. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Jason Allen McCarty*, Imperial Case No. JCF16193, for a "Pre-Trial Conference" during which a "Preliminary hearing" was set for October 27, 2005.

36. On October 6, 2005, and October 14, 2005, Respondent appeared on behalf of the People in *People v. George Charlie Roberts*, Imperial Case No. JCF16684, for: (a) a "Pre-Trial Conference [and] Bail Review" during which a "Preliminary Hearing" was set for October 14, 2005, and the defendant was remanded into custody of the sheriff; and (b) a "Preliminary Examination" during which the defendant plead guilty to a felony, and was ordered to appear for "Felony Judgment Proceedings" on November 18, 2005, respectively.

37. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Francisco Raya*, Imperial Case No. JCF16035, for a "Pre-Trial Conference" during which Respondent dismissed count one of the complaint, the defendant was sentenced to 90 days in the County jail and three years formal probation after pleading guilty to a felony, and the defendant was remanded into the custody of the sheriff.

38. On October 6, 2005, and October 14, 2005, Respondent appeared on behalf of the People in *People v. Fausto Jesus Urrea, Jr.*, Imperial Case No. JCF16683, for: (a) a "Pre-Trial Conference" during which a "Preliminary Hearing" was set for October 14, 2005, and the defendant was remanded

into custody of the sheriff; and (b) a "Preliminary Examination" during which the defendant pled guilty to a felony and was remanded into the custody of the sheriff, respectively.

39. On October 6, 2005, and October 14, 2005, Respondent appeared on behalf of the People in *People v. Adrian Estrada Sanga*, Imperial Case No. JCF16685, for: (a) a "Pre-Trial Conference" during which a "Preliminary Hearing" was set for October 14, 2005, and the defendant was remanded into custody of the sheriff; and (b) a "Preliminary Examination" during which the defendant pled *nolo contendere* to a felony and was ordered to appear for "Felony Judgment Proceedings" on November 18, 2005, respectively.

40. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Adrian Estrada Sanga*, Imperial Case No. JCF16685, for a "Pre-Trial Conference" during which a "Preliminary Hearing" was set for October 14, 2005, and the defendant was remanded into custody of the sheriff.

41. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Matthew David Hansen*, Imperial Case No. JCF16690, for a "Pre-Trial Conference" during which the defendant was sentenced to 120 days in the County jail and three years formal probation after pleading guilty to a felony, and was remanded into the custody of the sheriff.

42. On October 6, 2005, Respondent appeared on behalf of the People in *People v. Matthew David Hansen*, Imperial Case Nos. JCF16619 and JCF16681, for "Pre-Trial Conference[s]" during which Respondent dismissed the matters.

43. On October 6, 2005, Respondent appeared on behalf of the People in *People v. James Franklin Green*, Imperial Case Nos. J844659, for a "Preliminary Examination" during which Respondent dismissed the matter.

44. On September 29, 2005, and October 6, 2005, Respondent appeared on behalf of the People in *People v. David Blair Angulo*, Imperial Case Nos. JCF16360, for: (a) a "Pre-Trial Conference" during which a "Preliminary Examination" was set for October 6, 2005; and (b) a "Preliminary Examination" during which Respondent reduced a felony to a misdemeanor and the defendant pled guilty to the misdemeanor, respectively.

45. On November 2, 2005, a member of the State Bar told Respondent that he had reason to believe she was not entitled to practice law. Respondent immediately contacted the State Bar.

46. On November 3, 2005, Respondent faxed her MCLE Compliance Card to the Office of Certification. The Office of Certification received the fax.

47. On November 4, 2005, Respondent was reinstated to active status with the State Bar.

Conclusions of Law:

By repeatedly appearing before the Superior Court and representing the People when she knew or should have known that she was enrolled as an inactive member of the State Bar, Respondent held herself out as entitled to practice law and actually practiced law when she was not an active member of the State Bar in violation of Business and Professions Code sections 6125 and 6126, and thereby willfully failed to support the laws of the State of California in violation of Business and Professions Code section 6068(a).

AUTHORITIES SUPPORTING DISCIPLINE:

Standards:

Standard 2.6(a) applies to violations of B&PC section 6068. It requires disbarment or suspension.

Case Law:

In *Matter of Trousil* (1990) 1 Cal. State Bar Ct. Rptr. 229, an attorney was on suspension for non-payment of dues. During that time, the attorney accepted employment from a client and appeared in a bankruptcy court. The attorney had three prior records of discipline but the court found compelling mitigation. The attorney was actually suspended for 30 days.

MITIGATING CIRCUMSTANCES:

Immediately upon being made aware that she was not entitled to practice, Respondent contacted the State Bar to take corrective action. She also advised her supervisors of her not-entitled status. The next day she submitted her MCLE compliance proof.

Respondent has been cooperative and candid with the State Bar in resolving this matter.

Respondent has submitted character letters establishing an extraordinary demonstration of good character by a wide range of references who are aware of the full extent of her misconduct.

COSTS:

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 20, 2009, the prosecution costs in this matter are estimated at \$3,654. 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.

PENDING PROCEEDINGS:

The disclosure date referred to, on page one, paragraph A.(7), was April 20, 2009.

(Do not write above this line.)

In the Matter of Heather Diane Trapnell	Case number(s): 06-O-11382
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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 Fact, Conclusions of Law and Disposition.

<u>4/20/09</u> Date	<u>Heather Trapnell</u> Respondent's Signature	<u>Heather Diane Trapnell</u> Print Name
<u>4/20/09</u> Date	<u>David G. Carr</u> Respondent's Counsel Signature	<u>David Cameron Carr</u> Print Name
<u>4/20/09</u> Date	<u>Melanie J. Lawrence</u> Deputy Trial Counsel's Signature	<u>Melanie J. Lawrence</u> Print Name

(Do not write above this line.)

In the Matter Of Heather Diane Trapnell	Case Number(s): 06-O-11382
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, *PAP 4/16/05*
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.

*PAGE 8, PARAGRAPH NO. 5 - INSERT "PLEASE" BETWEEN NOT AND PROOF -
TO READ - "NOT please proof."*

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 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

04-26-09
Date

[Signature]
Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 23, 2009, 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:

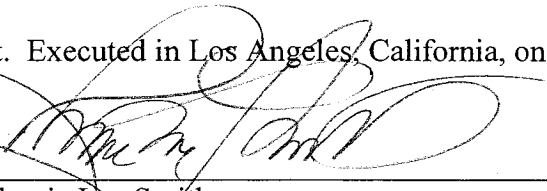
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID C. CARR
LAW OFFICE OF DAVID CAMERON CARR
3333 CAMINO DEL RIO S STE 215
SAN DIEGO, CA 92108

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

MELANIE LAWRENCE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 23, 2009.



Johnnie Lee Smith
Case Administrator
State Bar Court