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**State Bar Court of California  
Hearing Department  
San Francisco**

kwiktag®

035 134 290



Counsel For The State Bar

**Manuel Jimenez**  
**Deputy Trial Counsel**  
**180 Howard Street, 7th Fl.**  
**San Francisco, CA 94105**  
**Tel: (415) 538-2288**

Bar # 218234

Counsel For Respondent

**Steven A. Lewis**  
**Lewis & Bacon, A Prof. Corp.**  
**1050 Fulton Avenue, Suite 125**  
**Sacramento, CA 95825**

Bar # 63488

In the Matter Of:  
**Karla D. Henderlong**

Bar # 100899

A Member of the State Bar of California  
(Respondent)

Case Number (s)  
**07-N-13233**

(for Court's use)

**PUBLIC MATTER**

**FILED**

**JAN 1 2 2009**

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

Submitted to: **Assigned Judge**

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

**ACTUAL SUSPENSION**

☐ PREVIOUS STIPULATION REJECTED

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **December 1, 1981**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (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."

(Do not write above this line.)

- (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:  
(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 **94-O-12926; 95-O-10222; 97-O-12877**
  - (b) ☒ Date prior discipline effective **November 23, 1997**
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **rules 3-110(A), 3-700(D)(2), 4-100(A), 4-100(B)(3) and 4-100(B)(4) and sections 6068(i), 6068(m) and 6103.**
  - (d) ☒ Degree of prior discipline **Private Reproval**
  - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below.  
  
State Bar Court Case No. 04-O-14239 [Supreme Court Case No. S148040]  
Date Prior Discipline Effective: January 18, 2007  
Rules of Professional Conduct/State Bar Act Violations: rule 4-100(A) and section 6068(i).  
Degree of Prior discipline: 90-day actual suspension
- (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.

**Additional aggravating circumstances:**

**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. **See Attached**
- (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. **See Attached**
- (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. **See Attached**
- (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 **five years**.

- 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 **five years**, 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 **two years**.

- 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: **Respondent attended, and passed the exam, for Ethics School in 2007. In the instant matter, the exam is not required for the protection of the public or the interests of the Respondent (See In re Matter of Respondent G (Review Dept. 1992), 2 Cal. State Bar Ct. Rptr 181).**
- (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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☒ No MPRE recommended. Reason: **Respondent took and passed the MPRE in March, 2008. In the instant matter, the exam is not required for the protection of the public or the interests of the Respondent (See In te Matter of Respondent G (Review Dept. 1992), 2 Cal. State Bar Ct. Rptr 181).**

- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule **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 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 **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 language begins here (if any):

I. Findings of Fact and Conclusions of Law

Facts:

1. On January 18, 2007, the Supreme Court of California filed a disciplinary order in case number S148040 (State Bar case number 04-O-14239).
2. The January 18, 2007 order required respondent to comply with California Rule of Court 955 (hereinafter "rule 955") and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the order.
3. Notice of the order was duly and properly served upon respondent in the manner prescribed by California Rule of Court 8.532(a) at respondent's address as maintained by the State Bar in accordance with Business and Professions Code section 6002.1.
4. The January 18, 2007 order became effective on or about February 17, 2007, and at all times thereafter remained in full force and effect.
5. The deadline for respondent to comply with rule 955 subdivision (c) expired on or about March 29, 2007.
6. Respondent failed to comply with rule 955(c) prior to the March 29, 2007 deadline. (As Respondent had not practiced law since 2003, her failure to comply was a failure to file a compliance statement confirming she had no clients to notify of her suspension.)
7. Respondent did not comply with rule 955(c) until October 12, 2007. At that time, respondent filed her notice indicating she had not clients, courts or other counsel to notify as she had not been practicing law for several years.
8. Respondent's father was diagnosed with advanced cancer in late 2006 and had major cancer surgery on April 1, 2007.

Legal Conclusions

By failing to file the compliance affidavit within the time specified in the January 18, 2007 order, respondent failed to obey the court in willful violation of Business and Professions Code section 6103 and California Rule of Court 955 subdivision (c).

Aggravating Circumstances

See Above paragraph B(1).

Mitigating Circumstances

No Harm (see paragraph C(2) above): Respondent had not practiced law since 2003 and had no clients, courts or other counsel to notify of her suspension.

Emotional/Physical Difficulties (see paragraph C(8) above):

In 2000, respondent was diagnosed with Adult Attention Deficit Disorder. At the time, she began treatment at a clinic specializing in ADD and was put on a medication regimen. When respondent entered into her settlement with the State Bar in August 2006, she believed her ADD, which had led to the office management deficiencies giving rise to her suspension, was under control. However, when respondent's father became very ill in late 2006, and when he was later diagnosed with stomach cancer in early 2007, respondent began suffering from depression that caused her to become lethargic and fatigued. In the fall of 2007 respondent started the LAP program and has more recently commenced cognitive therapy with a licensed therapist, recommended by LAP. She has also been working with her physician to find a medication regimen that works more effectively in treating her ADD and depression.

Family Problems (see paragraph C(10) above):

Respondent, who is unmarried and has no children, has had a very close relationship with her aging parents. Her mother, who is over 80 years old, has had long-term serious health problems. Her father had historically been physically healthy and had always been an important pillar in respondent's life. In late 2006, respondent's father, who was 82 years old at the time, became very ill, and in early 2007 he was diagnosed with advanced stomach cancer. On or about April 1, 2007, three days after respondent's rule 955 compliance was due, respondent's father had surgery in which one-half of his stomach was removed. Thereafter, he underwent chemotherapy and radiation therapy that made him very ill. From the onset of her father's illness and through his surgery, cancer treatments and death, respondent devoted a great deal of her time and energy to taking care of her parents. Since her father's death, she has continued to devote a great deal of her time to caring for her mother.

Good Character (see paragraph C(11) above):

Respondent has provided the State Bar with letters from two members of the State Bar and two members of the public who attest to respondent's good character.

## II. Pending Proceedings

With the faxing and mailing of this proposed stipulation on December 12, 2008, the disclosure date is made as referred to on page 2, paragraph A(7), . As of December 12, 2008, there are no pending investigations or proceedings not covered by this agreement.

## III. Costs of Disciplinary Proceedings

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent (with this stipulation) that as of December 12, 2008, the estimated prosecution costs in this matter are approximately \$1,641. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in a final cost assessment. 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.

#### IV. Authorities in Support of Discipline

##### A. *The Standards*

The Standards provide for a broad range of sanctions ranging from reproof to disbarment, depending upon the gravity of the offenses and the harm to the client. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 2.6(a), and 2.10).

Standard 1.3 provides that the primary purposes of attorney discipline are, "the protection of the public, the courts and the legal profession, the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

Standard 1.6(a) provides that the sanction imposed shall be the most severe of the different applicable sanctions. Standard 1.6(a) provides in pertinent part that:

"The appropriate sanction for an act of professional misconduct shall be that set forth in the following standards for the particular act of misconduct found . . . If two or more acts of professional misconduct are found . . . in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions."

Standard 1.7(a) provides that if a member is found culpable of professional misconduct in any proceeding which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceedings shall be greater than that imposed in the prior proceedings unless the prior proceeding was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 1.7(b) requires disbarment if a member has a record of two prior impositions of discipline unless the most compelling mitigating circumstances clearly predominate.

##### B. *Case Law*

The Court should also look at case authority in determining the appropriate level of discipline to determine whether the discipline is consistent or disproportional to prior decisions on the same set of facts. *Snyder v. State Bar* (1990) 49 Cal.3d 1302.

In determining the appropriate level of discipline, the court should look to the Standards for Professional Misconduct. In *In re Morse* (1995) 11 Cal.4th 184, 206, the California Supreme Court stated;

“To determine the appropriate level of discipline ... we... must first look to the standards for guidance. ‘These guidelines are not binding on us, but they promote the consistent and uniform application of disciplinary measures. Hence we have said that ‘we will not reject a recommendation arising from application of the standards unless we have grave doubts as to the propriety of the recommended discipline.’”

Despite the need to examine cases on an individual basis, it is a goal of disciplinary proceedings that there be consistent recommendations as to discipline, a goal that has been largely achieved through the application of the Standards of Attorney Sanctions for Professional Misconduct. (*In the Matter of Marsh* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 291.)

The standards provide guidance and deserve "great weight." (*In re Morse*, supra, 11 Cal.4th at p. 205; *In re Naney* (1990) 51 Cal.3d 186, 190; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 933, fn. 5.) "[A]dherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct." (*In re Naney*, supra, 51 Cal.3d at p. 190; see also *In re Brown* (1995) 12 Cal.4th 205, 220.) The California Supreme Court accepts a disciplinary recommendation resulting from application of the standards unless it has "grave doubts" about the recommendation's propriety. (*In re Morse*, supra, 11 Cal.4th at p. 206; *In re Lamb* (1989) 49 Cal.3d 239, 245.)

*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, the court found that while the Standards for Attorney Sanctions for Professional Misconduct are to be afforded great weight, they do not mandate a specific discipline. The standards are guidelines that are not to be followed in a talismanic fashion. The letter of the law is tempered with considerations peculiar to the offenses and the offender, and the proper recommendation requires a balanced consideration of the unique factors of each case. (See also, *Howard v. State Bar* (1990) 51 Cal.3d 215.)

*Shapiro v. State Bar* (1990) 51 Cal.3d 251: A respondent, with a prior discipline, was suspended for two (2) years, stayed, one (1) year actual. He had been ordered to comply with Rule 955 pursuant to an order of suspension, referred all of his clients to a law firm before the date of his suspension. Respondent was unclear whether it was necessary to file an affidavit under Rule 955 and sought advice of his probation monitor. The monitor gave respondent inaccurate information, which he later corrected. Respondent attempted to file a 955 affidavit, but the affidavit was rejected by the Court due to form. (The form was suggested by the probation monitor.) Thereafter, Respondent delayed three months before hiring counsel who filed a proper 955 affidavit. In a consolidated matter, the respondent was found culpable of abandoning a client in a civil matter which resulted in a default being entered against the client. Although the default was later set aside by new counsel, the client had to pay \$1,500 sanction to reinstate the lawsuit.

Unlike the instant case, the Court did not recognize any factors in aggravation, including the prior discipline because the "incidents of client misconduct occurred within a fairly narrow time frame..." The Court in *Shapiro* viewed as mitigation the lack of prior discipline over sixteen years; the fact that the respondent received inadequate guidance from the probation department; and, found that respondent's act of hiring an attorney to assist him in properly filing the affidavit. Further mitigation included the fact that respondent suffered from physical and psychological difficulties during the relevant period.

*In the Matter of Friedman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 527: An attorney who was minimally late to file his 955 certificate, filing it before the State Bar Court's referral order was issued, and accepted responsibility for his own error, participated in the disciplinary proceeding and cooperated with the State Bar, suggested that disbarment is not the appropriate level of discipline in a 955 violation.

*In the Matter of Pierce* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 382: A respondent, with a prior discipline, was disbarred, after the respondent filed her 955 affidavit 21 days late, stating that she had not practiced in three years and had no clients. She then failed to appear at trial or to oppose Trial counsel on review. In mitigation, there was no harm to clients. In aggravation, Respondent had a prior stayed suspension for a single abandonment and a failure to cooperate with the State Bar investigation, a prior probation revocation which lead to the rule 955 requirement and a second pending probation revocation proceeding. Her repeated demonstration of indifference to disciplinary orders of the Supreme Court was considered as aggravating. This case illustrates the extreme risk involved in *repeatedly* ignoring disciplinary proceedings and related Supreme Court orders." (Emphasis added.)

*In the Matter of Grueneich* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 439: Respondent, with a prior discipline, was disbarred in a Rule 955, probation revocation proceeding. Respondent was found to have substantially failed to comply with rule 955 and to have failed to file probation reports, prepare a law office plan, or make restitution as required by conditions of probation. He did not file a 955 affidavit for one year after it was due despite repeated warning. His misconduct was found to have resulted from chronic disorganization rather than dishonesty. In mitigation, the Court found that respondent had engaged in numerous pro bono activities, had severe personal problems, and had presented character references. In aggravation, the Court found that the respondent had a prior discipline, had failed to take the PRE as ordered, only sporadically participated in the State Bar proceedings and was determined to present a continuing risk of harm to the public.

*In the Matter of Rose* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 192: Respondent, with two prior disciplines, and additional aggravation and mitigation was disciplined on two matters – the first for revocation of probation and the second for violation of rule 955(c). As to the revocation or respondent's probation, the respondent's probation order was revoked, the stay of execution of the previous five-year suspension (with two-year actual suspension) was lifted, and respondent was again suspended for five years with execution of that suspension stayed and with credit for the time he was inactively enrolled. In connection with the violation of rule 955(c), respondent was suspended for two years with that suspension stayed, two years probation and nine months actual suspension stayed, two years probation and nine months actual suspension. The discipline for rule 955(c) violation run concurrently with the discipline for the probation revocation.

*In Durban v. State Bar* (1979) 23 Cal.3d 461, the attorney had informed his clients of his suspension, arranged for substitutions of all pending matters, returned all files and unearned fees and closed his office. However, the attorney did not comply with rule 955(c) in that he failed to report his compliance under the rule. The Supreme Court concluded that the recommendation of one year additional suspension was too severe and ordered actual suspension for the longer of six months or full compliance by the attorney with the reporting requirements of rule 955(c).

*In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 2008, respondent was disciplined based upon his fourth and fifth drunk driving convictions. While the respondent had been

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disciplined on two prior occasions, the court did not apply standard 1.7 because it found (as in the case here) no direct harm to clients' interests. Instead, the court suspended the respondent for one year with a 60-day actual suspension.

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In the Matter of  
Karla D. Henderlong

Case number(s):  
07-N-13233

### 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.

12/27/08  
Date

Karla D. Henderlong  
Respondent's Signature

Karla D. Henderlong  
Print Name

12/29/08  
Date

Steven A. Lewis  
Respondent's Counsel Signature

Steven A. Lewis  
Print Name

12/30/08  
Date

Manuel Jimenez  
Deputy Trial Counsel's Signature

Manuel Jimenez  
Print Name

(Do not write above this line.)

In the Matter Of  
**Karla D. Henderlong**

Case Number(s):  
**07-N-13233**

### ORDER

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

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

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.)**

Date

Jan. 12, 2009

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 of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on January 12, 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 San Francisco, California, addressed as follows:

MATTHEW PLANT GUICHARD

GUICHARD TENG & PORTELLO APC

1800 SUTTER ST #730

CONCORD, CA 94520

STEVEN ALLAN LEWIS

LEWIS & BACON

1050 FULTON AVE #125

SACRAMENTO, CA 95825

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

- ☐ by overnight mail at , California, addressed as follows:

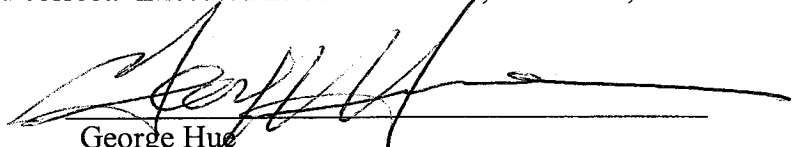
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

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

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

Manuel Jimenez, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 12, 2009.



George Hue  
Case Administrator  
State Bar Court