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State Bar Court of California Hearing Department San Francisco			kwiktag® 018 040 436 
Counsel For The State Bar Charles T. Calix 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1255 Bar # 146853	Case Number (s) 07-O-12571	(for Court's use) <div style="text-align: center;"> PUBLIC MATTER FILED <i>pm</i> DEC 21 2010 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>	
Counsel For Respondent Edward O. Lear Century Law Group LLP 5200 West Century Blvd., Ste. 345 Los Angeles, CA 90045 (310) 642-6900 Bar # 132699	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: TERESA STRALEY Bar # 248299 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 January 30, 2007.
- (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 11 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".

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- (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: Two 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. See Attachment page10
- (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.

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- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Attachment page 10
- (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. During the deposition, Respondent testified under oath that she did not give the Ranger any name other than her true name, because she understood the advice of her attorney to deny that she had given a false name if she did not deliberately or willfully provide the name to deceive the Ranger.
- (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. At the time of the stipulated acts of professional misconduct, Respondent suffered from extreme emotional difficulties from traumatic events that she suffered, including but not limited to post traumatic stress disorder and dysthymic disorder. The traumatic events that she suffered can cause her to react in an impulsive or irrational manner, or to dissociate. They can also cause her to become distracted, overwhelmed and/or lose attention. The situation set forth in the stipulated acts of misconduct involving the Ranger was such a situation.

Respondent had been in treatment for the extreme emotional difficulties for a number of years prior to the stipulated acts, but had negative, and in some cases extremely damaging, experiences with different therapists. The negative and damaging experiences with different therapists contributed to extreme emotional difficulties. Respondent remains in therapy and has made significant progress.

- (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 two (2) 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 four (4) 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 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:

- ☐ Substance Abuse Conditions
- ☐ Law Office Management Conditions

☐ Medical Conditions

☐ 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:
- (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 TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: TERESA STRALEY

CASE NUMBER(S): 07-O-12571

Teresa Straley ("Respondent") pleads nolo contendere to the following facts and violations:

FACTS

1. On October 11, 2003, City of Los Angeles Park Ranger Nadim Eskander ("the Ranger") observed Respondent with her three dogs at Cheviot Hills Park and formed the opinion that, although the dogs were on leashes, she was not in control of the leashes which might constitute a violation of Los Angeles Municipal Code, section 63.44(B)(2)(d) ("Leash Law"). In response to the questioning by the Ranger, Respondent told the ranger she did not have identification on her person. When the Ranger asked Respondent her last name for the purpose of issuing her a citation, Respondent told the Ranger her last name was "Smith." When the Ranger asked Respondent her first name, Respondent told the Ranger her first name was "Mary." When the Ranger asked for Respondent's address, she refused to give it to him.

2. Respondent identified herself to the Ranger as Mary Smith when she knew that her name was not Mary Smith.

3. On December 29, 2003, a hearing was held by the Office of the City Attorney regarding the allegations that Respondent had given false information to the Ranger, and the matter was resolved without the filing of criminal charges.

4. On October 20, 2004, Respondent filed an action against the Ranger and the City of Los Angeles alleging Negligence, false arrest, Assault and Battery, Negligent Supervision of Employees, Negligent Infliction of Emotional Distress, Intentional Infliction of Emotional Distress, and violations of her civil rights (the "Lawsuit").

5. On October 4, 2005, Respondent was deposed in connection with the Lawsuit. During the deposition, Respondent testified under oath that she did not give the Ranger any name other than her true name.

6. On July 17, 2006, Respondent submitted an "Application for Determination of Moral Character" ("Moral Character Application") to the Committee of Bar Examiners of the State Bar of California in connection with her application for admission to the State Bar. Respondent signed the Authorization and Release portion of the Moral Character Application, attesting, inter alia, "I have carefully read the questions in the foregoing application and have answered them

truthfully, fully and completely, without mental reservations of any kind” and “I hereby declare under penalty of perjury under the laws of the State of California that the answers and statements provided by me in the foregoing application are true and correct.”

7. In her Moral Character Application, Respondent disclosed the Lawsuit and attached a statement addressing the October 11, 2003, incident with the Ranger. Respondent stated, “Before I could provide a name, the ranger wrote down Mary Smith. Then he wanted my home address. I told him I would give him my legal mailing address, not my home address.”

8. When Respondent made the statement as part of her Moral Character Application concerning that the Ranger wrote down a name before she could provide her name and that she offered to give him her mailing address, she knew or was grossly negligent in not knowing that her statement was false.

9. On July 20, 2007, at a mandatory settlement conference in the Lawsuit, Respondent agreed to settle the Lawsuit by paying \$600 to the City of Los Angeles for the cost of the deposition and preparing a letter of apology to the Ranger.

CONCLUSIONS OF LAW

10. By giving a false name to the Ranger, Respondent committed an act involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code section 6106 as alleged in Count One.

11. By providing false information under oath during her deposition, Respondent committed acts involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code section 6106 as alleged in Count Two.

12. By making the statements on her Moral Character Application that he had written down the name “Mary Smith” before she could provide a name and that she had offered to provide her mailing address, Respondent knowingly, or with gross negligence, made a false statement regarding a material fact in connection with an application for admission to the State Bar, in willful violation of Rules of Professional Conduct, rule 1-200 as alleged in Count Four.

DISMISSALS

The parties respectfully requests that the Court dismiss in the interest of justice the following alleged violations in the Notice of Disciplinary Charges (“NDC”) herein filed on September 18, 2009:

Case No.	Count	Alleged Violation
07-O-12571	Three	Business and Professions Code § 6106
07-O-12571	Five	Business and Professions Code § 6106

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 September 18, 2009, in case no. 07-O-12571 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 6, 2010, the approximate costs in this matter is approximately \$5,220, which includes \$300 in witness fees. 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 December 6, 2010.

AGGRAVATING CIRCUMSTANCES

Multiple Acts of Misconduct (Standard 1.2(b)(ii))

Respondent committed multiple acts of misconduct by giving a false name to the Ranger, providing false information under oath during her deposition and making false statements on her Moral Character Application to the California State Bar.

Dishonesty (Standard 1.2(b)(iii))

Respondent was dishonest with the Ranger by giving a false name to the Ranger, in providing false information under oath during her deposition and to the State Bar of California by making false statements on her Moral Character Application.

AUTHORITIES SUPPORTING DISCIPLINE

Standard 1.3, Title IV, Standards for Attorney Sanctions for Professional Misconduct, provides that the primary purposes of the disciplinary system are: "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession."

Standard 2.3 provides that "[c]ulpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client, or another person shall result in actual suspension or disbarment depending

upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law."

Standard 2.10 provides that a violation of any provision of the Rules of Professional Conduct "not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3."

In *In the Matter of Mitchell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 332, Mitchell misrepresented his educational background on resumes sent to prospective employers for employment as an attorney, and made untruthful responses to the discovery propounded by the State Bar. Although the Hearing Department recommended a six month actual suspension, the Review Department recommended a 60 day actual suspension because it found much greater mitigation, which does not exist with regards to Respondent.

In *In the Matter of Chesnut* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 166, Chesnut falsely represented to two judges that he had personally served papers on an opposing party. *Id.* at 17-175, 177. The Review Department found in aggravation that Chesnut had a prior record of discipline and that his testimony in the State Bar Court lacked candor. However, it found his eight witnesses demonstrated good character and that he engaged in pro bono activities. *Id.* at 175-177. Consequently, the Review Department recommended a six month actual suspension.

In *In the Matter of Farrell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 490, Farrell represented a defendant in an unlawful detainer action. During the trial, Farrell misrepresented to the court that a defense witness had been subpoenaed when in fact the witness had not been subpoenaed. *Id.* at pp. 495-496. Farrell had previously received a 90 day actual suspension and two year probation for misconduct committed in two client matters. The Review Department recommended that Farrell receive a six month actual suspension and three year probation.

In *Olguin v. State Bar* (1980) 28 Cal.3d 195, the Supreme Court increased the recommended actual suspension from 90 days to six months following Olguin's stipulation that he failed to use reasonable diligence in prosecuting a client matter resulting in the action being dismissed and that he lied to a State Bar investigator about that client matter and fabricated documents for his defense. *Id.* at pp. 197-200.

The parties submit that the intent and goals of Standard 1.3 are met in this matter by the imposition of 30 days actual suspension, with probationary conditions articulated herein, including that Respondent attend Ethics School and take and pass the MPRE.


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In the Matter of Teresa Straley	Case number(s): 07-O-12571
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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.

December 6, 2010
Date


Respondent's Signature

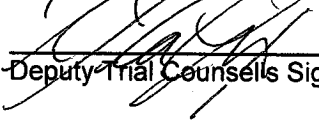
Teresa Straley
Print Name

December 6, 2010
Date


Respondent's Counsel Signature

Edward Lear
Print Name

December 6, 2010
Date


Deputy Trial Counsell's Signature

Charles T. Calix
Print Name

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In the Matter Of Teresa Straley	Case Number(s): 07-O-12571
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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

12/21/10

Judge of the State Bar Court

RICHARD A. HONN

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 December 21, 2010, 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:

**EDWARD O. LEAR
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES, CA 90045**

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

CHARLES T. CALIX, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 21, 2010.



Bernadette C.O. Molina
Case Administrator
State Bar Court