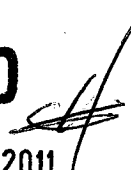


**State Bar Court of California
Hearing Department
San Francisco
DISBARMENT**

Counsel For The State Bar Erica L. M. Dennings Office of the Chief Trial Counsel 180 Howard Street San Francisco, CA 94105 Bar # 145755	Case Number(s): 10-H-10353	For Court use only PUBLIC MATTER FILED  AUG 15 2011 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Susan L. Hornsby P.O. Box 194 Alto, TX 75925 Bar # 216920	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Susan L. Hornsby Bar # 216920 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 December 4, 2001.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (8) 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):
- ☒ Costs to be awarded to the State Bar.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.
- (9) **ORDER OF INACTIVE ENROLLMENT:**
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**
- (a) ☒ State Bar Court case # of prior case 08-C-14103; 10-C-1341
 - (b) ☒ Date prior discipline effective August 25, 2010
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Section 6068(a) of the Business and Professions Code.
 - (d) ☒ Degree of prior discipline Public reproof, with conditions.
 - (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.

(Do not write above this line.)

- (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. See attachment.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See attachment.
- (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.
- (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.

(Do not write above this line.)

Additional mitigating circumstances:

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.
- (2) ☐ **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

Attachment language (if any):

ATTACHMENT TO STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

SUSAN L. HORNSBY (#216920)

CASE NUMBER(S):

**10-H-10353; Investigation Matters: 10-O-04899; 10-O-05226;
10-O-05297; 10-O-05777; 10-O-06399; 10-O-06419;
10-O-09533**

FACTS AND CONCLUSIONS OF LAW.

Case No. 10-H-10353

Facts

On or about August 4, 2010, the Hearing Department of the State Bar Court of California issued an order imposing a public reproof upon respondent in State Bar case numbers 08-C-14103 and 10-C-1341. The reproof order and its conditions became effective on or about August 25, 2010 and at all times thereafter remained in full force and effect.

One reproof condition required that respondent contact the Office of Probation within thirty days from the effective date of discipline to schedule a meeting to discuss the terms and conditions of probation. Respondent failed to contact the Office of Probation within thirty days of the effective date of discipline and to date has not contacted the Office of Probation.

Another reproof condition required respondent to attend eight self-help meetings per month; to contact the Office of Probation to obtain approval for the program she selected before attending her first meeting; and to provide documentary proof of attendance of meetings at an approved program to the Office of Probation. Respondent failed to obtain approval from the Office of Probation for any self-help program and to date has failed to submit any proof of attendance to the Office of Probation.

The reproof order required respondent to provide to the Office of Probation laboratory screening reports to show she had abstained from alcohol and/or drugs. To date, respondent has not submitted any alcohol and drug screening reports to the Office of Probation.

The reproof order further required respondent to maintain with the Office of Probation a current address and telephone number at which she could be reached. Beginning on or prior to September 2, 2010, respondent abandoned the address and telephone number she listed with the State Bar pursuant to Business and Professions Code section 6002.1; she stopped receiving calls at the telephone number, and stopped receiving mail at that address. Respondent failed to report to the Office of Probation within ten days any change in her current address and telephone number. Respondent did not update her membership records address and telephone number until June 1, 2011.

Conclusions of Law

By failing to comply with the conditions attached to a reproof administered by the State Bar pursuant to Business and Professions Code sections 6077 and 6078 and rule 956 (now rule 9.19), California Rules of Court, respondent willfully violated Rules of Professional Conduct, rule 1-110.

PENDING PROCEEDINGS.

The disclosure date referred to on page 2, paragraph (A)(7), was ^{July 22,} ~~June 30,~~ 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Respondent is aware that the State Bar is not seeking disbarment in the instant matter. However, because she no longer wishes to practice law in California and has no plans of returning to California, respondent is willing to stipulate to disbarment to resolve this matter and relinquish her license.

Standard 1.7(a) provided that the degree of discipline imposed in a subsequent proceeding shall be greater than that imposed in the previous proceeding.

Standard 2.9 provides that culpability of a willful violation of rule 1-110, Rules of Professional Conduct, shall result in suspension.

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In the Matter of:
Susan L. Hornsby

Case number(s):
10-H-10353

SIGNATURE OF THE PARTIES

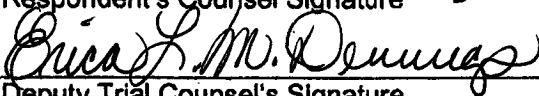
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

7-23-11
Date


Respondent's Signature

Susan L. Hornsby
Print Name

1 August 2011
Date

Respondent's Counsel Signature

Deputy Trial Counsel's Signature

Print Name
Erica L.M. Dennings
Print Name

(Do not write above this line.)

In the Matter of:
Susan L. Hornsby
Bar # 216920

Case Number(s):
10-H-10353

DISBARMENT 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.

1. On p. 2, section B. (1)(b) – the date of prior is August 26, 2010 (not August 25).
2. On p.6 , the first paragraph delete August 25 and insert August 26.
3. On p. 6 – delete 10-O-04899; 10-O-05777; 10-O-06399; 10-O-06419 since a NDC was filed in those matters on July 28, 2011.

A trial was held on July 19, 2011, and this matter was submitted for decision on that same date. However, before a decision could be rendered, the parties entered into a stipulated disbarment and since this court is approving the stipulation, no decision in this matter will be issued. Once the Supreme Court approves the stipulated disbarment case nos. 10-O-04899; 10-O-05777; 10-O-06399; 10-O-06419 will be dismissed.

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 5.58(E) & (F), 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.)**

Respondent Susan L. Hornsby is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

August 15, 2011
Date

Pat E. McElroy
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 August 15, 2011, 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:
- SUSAN L. HORNSBY
LAW OFFICES OF SUSAN L HORNSBY
PO BOX 194
ALTO, TX 75925
- ☐ 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:

Erica Dennings, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 15, 2011.


George Hue
Case Administrator
State Bar Court