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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Michael J. Glass Senior Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1254 Bar # 102700	Case Number(s): 11-O-19119 RAH 12-O-10951 12-O-11430	For Court use only <div style="text-align: center;"> FILED MAR 21 2013 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
Counsel For Respondent Sherrie-Marie J. St. Cyr SMJ Legal Services 3350 E. 7th Street, #132 Long Beach, CA 90804 (562) 489-4210 Bar # 263940	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING		
In the Matter of: LAUREN ELICIA WOMACK Bar # 259520 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <input type="checkbox"/> 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 2, 2008.
- (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 16 pages, not including the order.

(Effective January 1, 2011)



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- (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 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: three billing cycles following the effective date of discipline. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are 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. See Attachment Page 5.

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- (5) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See Attachment Page 5.
- (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. See Attachment Page 4.
- (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.

Additional mitigating circumstances:

See Attachment Page 5.

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 two (2) 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 ninety (90) 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 the 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.

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- (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 checked="" 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 5.162(A) & (E), 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:**

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In the Matter of:
LAUREN ELICIA WOMACK
Member #: **259520**

Case Number(s):
11-O-19119 - RAH; 12-O-10951; and 12-O-11430

Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Larry A. Dietz	\$3,000.00	May 3, 2011
Kathleen Hunter	\$3,000.00	September 2, 2011
Dorothy Santana	\$2,350.00	September 7, 2011

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☒ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than (60) days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Larry A. Dietz	One payment of \$350 must be made monthly to any of the listed payees or CSF	The minimum payment of \$350 per month must be made on the first day of each month beginning the month following the effective date of discipline.
Kathleen Hunter		
Dorothy Santana		

- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

In the Matter of: LAUREN ELICIA WOMACK Member #: 259520	Case Number(s): 11-O-19119 - RAH; 12-O-10951; and 12-O-11430
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b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and
 4. the current balance for such client.
- ii. A written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and
 3. the current balance in such account.
- iii. All bank statements and cancelled checks for each client trust account; and
- iv. Each monthly reconciliation (balancing) of (i), (ii), and (iii) above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii) above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- ☐ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:	LAUREN ELICIA WOMACK
CASE NUMBER(S):	11-O-19119 - RAH; 12-O-10951; and 12-O-11430

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.

Case No. 11-O-19119 (Complainant: Larry A. Dietz)

FACTS:

1. On February 7, 2011, Larry A. Dietz ("Dietz") employed Respondent to provide him with legal services in connection with negotiating and obtaining a home mortgage loan modification for the home Dietz owned with his son, Larry M. Dietz.
2. On February 10, 2011, Dietz paid Respondent \$500 in advanced fees for the loan modification.
3. On March 3, 2011, a Notice of Default was recorded against Dietz's property.
4. On March 31, 2011, Dietz signed a "Retainer Agreement for Pro Bono Legal Services-Loan" provided by Respondent. On March 31, 2011, Dietz also completed an authorization form authorizing his lender, Wachovia Bank ("Wachovia"), to communicate with Leslie Haro of Respondent's law firm, regarding Dietz's mortgage. Respondent subsequently submitted the authorization form to Wachovia.
5. On February 7, 2011, and March 31, 2011, when Respondent provided Dietz with the retainer agreement for mortgage loan modification services, at no time did Respondent provide Dietz, as a separate statement, in not less than 14-point bold type, a notice that it is not necessary to pay a third party to arrange a loan modification or other form or forbearance, and notice that he could contact his lender directly to ask for a change in loan terms.
6. On May 3, 2011, Dietz paid Respondent \$1,500 in advanced fees for the loan modification.
7. Between February 10, 2011, and May 3, 2011, when Dietz paid Respondent advanced fees totaling \$3,000, Respondent had not completed all of the loan modification services she had agreed to perform.

8. Between March 16, 2011, and June 3, 2011, Dietz provided Respondent's office with copies of documents in support of Dietz's loan modification application. Dietz repeatedly communicated with James Morino ("Morino"), of Respondent's office, who consistently assured Dietz that everything was going well with the loan modification process.

9. On June 9, 2011, Dietz received a Notice of Trustee's Sale for his property, notifying Dietz that the sale of his property would take place on June 29, 2011. On June 10, 2011, Dietz faxed the Notice of Trustee's Sale to Respondent's office, which was received by Respondent's office.

10. On June 10, 2011, Morino told Dietz everything was fine and that Respondent was very close to obtaining a deal with Wachovia.

11. On June 29, 2011, Dietz's home was sold at a trustee's sale.

12. Respondent never submitted a loan modification package to Wachovia on behalf of Dietz. Respondent failed to provide legal services necessary to negotiate and obtain a loan modification for Dietz, and failed to perform any other legal services of value for Dietz in connection with negotiating and obtaining a home mortgage loan modification.

CONCLUSIONS OF LAW:

13. By failing to provide the legal services necessary to negotiate and obtain a loan modification for Dietz, and by failing to perform any other legal services of value for Dietz in connection with negotiating and obtaining a home mortgage loan modification, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

14. By failing to provide Dietz with a notice, in a separate statement, in not less than 14-point bold type, prior to entering into any fee agreement with Dietz, that it is not necessary to pay a third party to arrange for a loan modification and that he could call his lender directly to ask for a change in loan terms, Respondent violated Civil Code section 2944.6(a), and thereby willfully violated Business and Professions Code section 6106.3(a).

15. By agreeing to negotiate a mortgage loan modification for Dietz and collecting fees from him when she had not completed all loan modification services she had agreed to perform, Respondent negotiated, arranged or otherwise offered to perform a mortgage loan modification for a fee paid by the borrower, and demanded, charged, collected or received such fee prior to fully performing each and every service Respondent had contracted to perform or represented that she would perform, in violation of Civil Code section 2944.7(a)(1), and thereby willfully violated Business and Professions Code section 6106.3(a).

Case No. 12-O-10951 (Complainant: Kathleen Hunter)

FACTS:

16. On July 6, 2011, Massachusetts resident Kathleen Hunter ("Hunter") employed Respondent to provide her with legal services in connection with negotiating and obtaining a home mortgage loan modification on her primary residence, located in Conway, Massachusetts.

17. Massachusetts Rule of Professional Conduct 5.5(b) states, "A lawyer who is not admitted to practice in this jurisdiction shall not:...(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction."

18. Respondent is not now, and has never been, admitted to practice law in the Commonwealth of Massachusetts.

19. On July 6, 2011, Respondent submitted an authorization form to Hunter's lender, Massachusetts Housing Finance Agency ("MHFA") authorizing MHFA to communicate with Respondent and her staff regarding Hunter's mortgage. MHFA is located in Boston, Massachusetts.

20. On July 6, 2011, Hunter paid Respondent \$500 in advanced fees for the loan modification. On August 4, 2011, Hunter paid Respondent \$1,250 in advanced fees for the loan modification. On September 2, 2011, Hunter paid Respondent \$1,250 in advanced fees for the loan modification.

21. On December 14, 2011, on behalf of Hunter, Respondent submitted documents concerning Hunter's home mortgage loan modification to MHFA.

CONCLUSIONS OF LAW:

22. By accepting employment with Hunter and holding herself out as entitled to practice law in Massachusetts in order to perform legal services in connection with negotiating and obtaining a mortgage loan modification, Respondent practiced law in a jurisdiction where she is not admitted, and thereby willfully violated the regulations of the profession in that jurisdiction, and willfully violated California Rules of Professional Conduct, rule 1-300(B).

23. By entering into an agreement to provide Ms. Hunter with legal services in connection with negotiating and obtaining a home mortgage loan modification on Ms. Hunter's primary residence, located in Conway, Massachusetts, charging and collecting advanced fees totaling \$3,000, from Ms. Hunter with regard to those legal services when Respondent was not admitted to practice law in the Commonwealth of Massachusetts, Respondent entered into an agreement for, charged, and collected an illegal fee in willful violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 12-O-11430 (Complainant: Charles and Dahlia Amaral)

FACTS:

24. On May 9, 2011, Charles and Dahlia Amaral (the "Amarals") employed Respondent to negotiate a loan modification.

25. On May 9, 2011, Respondent, or her representative, provided the Amarals with a retainer agreement for mortgage loan modification services. At no time did Respondent provide the Amarals, as a separate statement, in not less than 14-point bold type, a notice that it is not necessary to pay a third party to arrange a loan modification or other form of forbearance, and notice that they could contact their lender directly to ask for a change in loan terms.

26. On May 10, 2011, June 10, 2011, and September 7, 2011, the Amarals' daughter, Dorothy Santana ("Santana") paid Respondent \$2,350 in advanced fees on behalf of the Amarals. At the time, Respondent had not completed all of the loan modification services she had agreed to perform.

CONCLUSIONS OF LAW:

27. By agreeing to negotiate a mortgage loan modification for the Amarals and collecting fees from Santana when Respondent had not completed all loan modification services she had agreed to perform, Respondent negotiated, arranged or otherwise offered to perform a mortgage loan modification for a fee paid by the borrower, and demanded, charged, collected or received such fee prior to fully performing each and every service Respondent had contracted to perform or represented that she would perform, Respondent violated Civil Code section 2944.7(a)(1), and thereby willfully violated Business and Professions Code section 6106.3(a).

28. By failing to provide the Amarals with a notice, in a separate statement, in not less than 14-point bold type, prior to entering into any fee agreement with the Amarals, that it is not necessary to pay a third party to arrange for a loan modification and that they can call their lender directly to ask for a change in loan terms, Respondent violated Civil Code section 2944.6(a), and thereby willfully violated Business and Professions Code section 6106.3(a).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Multiple/Pattern of Misconduct: Aggravation under standard 1.2(b)(ii) includes the fact that Respondent has engaged in multiple acts of misconduct by failing to provide the legal services necessary to obtain and negotiate the mortgage loan modification for client Dietz, collecting fees for the negotiation of a mortgage loan modification before the completion of all loan modification services in two client matters, failing to provide the client with notice, in a separate statement in not less than 14-point bold type, prior to entering into any fee agreement, that it is not necessary for the client to pay a third party to arrange for a loan modification and that the client could call their lender directly to ask for a change in loan terms in two client matters, and engaging in the unauthorized practice of law and collecting an illegal fee in one client matter.

Although Respondent has stipulated to multiple acts of misconduct, it was not the repeated, systemic misconduct that took place over a prolonged period of time that has been found to constitute a pattern of misconduct. *Stanley v. State Bar* (1990) 50 Cal. 3d 555 [30 egregious acts of misconduct and abandonment of 20 clients over a seven-year period]; *Farnham v. State Bar* (1988) 47 Cal. 3d 429 [seven instances of abandonment spanning approximately four years].

Harm: Aggravation under standard 1.2(b)(iv) includes the fact that client Dietz suffered harm because as a result of Respondent's misconduct, client Dietz's lost the opportunity to negotiate a loan modification. Client Dietz also suffered harm as Respondent has failed to refund \$3,000 in attorneys fees to client Dietz. Client Hunter also suffered harm as Respondent has failed to refund \$3,000 in attorneys fees to client Hunter. Clients Charles and Dahlia Amaral also suffered harm as Respondent has failed to refund \$2,350 in attorneys fees paid on their behalf by Dorothy Santana. Respondent's clients were financially distressed homeowners who were without use of the funds Respondent failed to refund. *In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404,417.

Indifference: Aggravation under standard 1.2(b)(v) includes the fact that Respondent demonstrated indifference toward rectification of or atonement for the consequences of her misconduct by failing to provide any refunds of illegal fees to clients Dietz, Hunter, or the Amarals. *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 913.

ADDITIONAL MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent is receiving mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel prior to trial in Case Nos. 11-O-19119 RAH; 12-O-10951; and 12-O-11430, thereby preserving State Bar Court time and resources. *In the Matter of Downey* (Review Dept. 2009) 5 Cal State Bar Ct. Rptr. 189, 195.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed 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." (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence 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* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from

that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing 7 acts of professional misconduct. Standard 2.4(b), which applies to Respondent's violation of Rules of Professional Conduct, rule 3-110(A), and standard 2.10, which applies to Respondent's violations of Business and Professions Code section 6106.3(a), Rules of Professional Conduct, rule 1-300(B), and Rules of Professional Conduct, rule 4-200(A), each state that the appropriate discipline consists of a reproof or suspension depending on the extent of the offense or the harm to the victim.

Standard 2.4(b) provides, in pertinent part, that, "Culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct...shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client.

Standard 2.10 provides that, "Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or a willful violation of any Rule 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 the instant case, Respondent's misconduct involves three mortgage loan modification matters. Respondent failed to perform the legal services necessary to obtain the mortgage loan modification for client Dietz. Respondent also improperly collected fees from clients Dietz and the Amarals in violation of Business and Professions Code section 6106.3(a). In the matter involving client Hunter, Respondent engaged in the unauthorized practice of law and collected an illegal fee from client Hunter. In aggravation, Respondent has engaged in multiple acts of misconduct, harmed his clients as client Dietz lost the opportunity to negotiate a loan modification and clients Dietz, Hunter, and the Amarals have not received refunds of attorneys fees totaling \$8,350. Respondent has also failed to show any remorse by failing to provide refunds to the clients of the attorneys fees. In mitigation, Respondent has entered into the instant stipulation prior to trial thereby preserving State Bar Court time and resources.

Respondent's violations of Business and Professions Code section 610.3(a) are not addressed in a particular California Supreme Court Case nor are their cases regarding the charging of illegal fees prior to completing contracted legal services. However, there is guidance in some cases involving illegal and unconscionable fees.

In *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, in two client matters, the Respondent was found culpable of charging and collecting illegal and unconscionable fees, engaging in the unauthorized practice of law in another jurisdiction, failure to refund fees of total \$17,500, failure to maintain funds in her client trust account, and engaging in two acts of moral turpitude by making misrepresentations to the State Bar and the Deputy Solicitor of South Carolina. The Court imposed discipline consisting of a two year stayed suspension, two years probation with conditions, including a six month actual suspension and until Respondent made Restitution. In aggravation, Respondent had a prior record of discipline consisting of a private reproof, had engaged in multiple acts of misconduct, harmed the clients, public, and administration of justice, and showed indifference towards the consequences of her misconduct. In mitigation, Respondent suffered from extreme emotional distress,

presented eight character witnesses, and cooperated with the State Bar.

In the instant case, Respondent Womack's misconduct is not as egregious as that of the Respondent in *Wells*. In this regard, Respondent Womack's misconduct involves three client matters, two of which involved violations of Business and Professions Code section 6106.3(a). Additionally, Respondent Womack has failed to refund \$8,350 to her clients.

As such, based on the facts, aggravating and mitigating circumstances, standards, and case law, discipline consisting of a two year stayed suspension, two years probation with conditions, including a 90 day actual suspension is appropriate.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was February 13, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 13, 2013, the prosecution costs in this matter are \$7,352.64. 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.

EXCLUSION FROM MCLE CREDIT


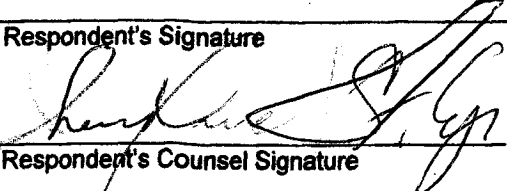
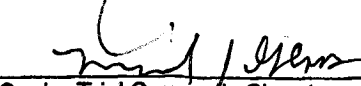
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of LAUREN ELICIA WOMACK Member # 259520	Case number(s): 11-O-19119 - RAH; 12-O-10951; and 12-O-11430
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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 Facts, Conclusions of Law, and Disposition.


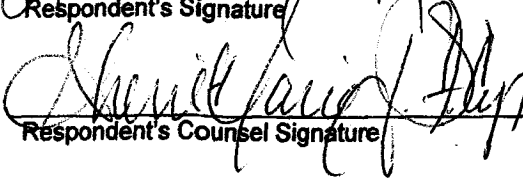
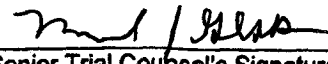
<u>Feb. 22</u> , 2013 Date	 Respondent's Signature	<u>Lauren E. Womack</u> Print Name
<u>Feb. 22</u> , 2013 Date	 Respondent's Counsel Signature	<u>Sherrie-Marie J. St. Cyr</u> Print Name
<u>Feb. 22</u> , 2013 Date	 Senior Trial Counsel's Signature	<u>Michael J. Glass</u> Print Name

(Do not write above this line.)

In the Matter of LAUREN ELICIA WOMACK Member # 259520	Case number(s): 11-O-19119 - RAH; 12-O-10951; and 12-O-11430
--	---

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.

<u>3/18/</u> , 2013 Date	 Respondent's Signature	<u>Lauren E. Womack</u> Print Name
<u>March 18</u> , 2013 Date	 Respondent's Counsel Signature	<u>Sherrie-Marie J. St. Cyr</u> Print Name
<u>March 18</u> , 2013 Date	 Senior Trial Counsel's Signature	<u>Michael J. Glass</u> Print Name

(Do not write above this line.)

In the Matter of: LAUREN ELICIA WOMACK Member #259520	Case Number(s): 11-O-19119-RAH; 12-O-10951; and 12-O-11430
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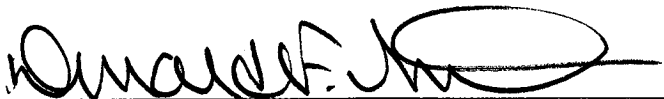
ACTUAL SUSPENSION ORDER

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 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.)**

3/19/13
Date


DONALD F. MILES
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 Los Angeles, on March 21, 2013, 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:

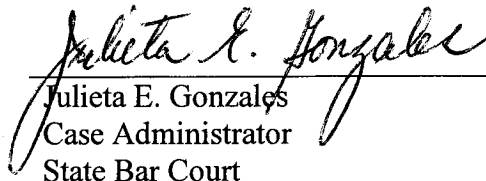
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SHERRI-MARIE J. ST. CYR ATTORNEY AT LAW
SMJ LEGALS SERVICES
3350 E 7TH ST # 132
LONG BEACH, CA 90804

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

Michael J. Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 21, 2013.



Julieta E. Gonzales
Case Administrator
State Bar Court