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<p align="center">State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION</p>		
<p>Counsel For The State Bar</p> <p>Anthony J. Garcia Senior Trial Counsel 845 South Figueroa Street Los Angeles, California 90017 (213) 765-1089</p> <p>Bar # 171419</p>	<p>Case Number(s): 12-O-14351 12-O-15870</p>	<p>For Court use only</p> <p align="center">FILED</p> <p align="center">JUN 22 2015 </p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Suzanne Kae Biely P.O. Box 1726 Santa Maria, California 93456 (805) 452-4566</p> <p>Bar # 158643</p>	<p align="center">PUBLIC MATTER</p>	
<p>In the Matter of: SUZANNE KAE BIELY</p> <p>Bar # 158643</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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 **June 8, 1992**.
- (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."
- (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: **two (2) billing cycles following the effective date of the Supreme Court order in this matter.** (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline**
- (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 intentional, 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 page 9.**
- (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 page 9.**
- (8) ☐ **Restitution:** Respondent failed to make restitution.
- (9) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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 page 10.**
- (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:

**No Prior Discipline,
Pre-Trial Stipulation See page 9.**

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law 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 1.2(c)(1) 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 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 1.2(c)(1), 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 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .

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- (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: SUZANNE KAE BIELY

CASE NUMBERS: 12-O-14351, 12-O-15870

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. 12-O-14351 (Complainants: Robert and Katrina Wise)

1. On October 2, 2009, Robert and Katrina Wise (the Wises) hired respondent for an interstate adoption matter. The Wises paid Respondent \$3,500 as an advance fee for her legal services.
2. Between January 2010 and continuing to August 2010, the Wises repeatedly called respondent's office seeking updates on their matter, and left messages asking that respondent return their calls. Respondent received the messages but did not return the Wises' calls or update them on their case.
3. In August 2010, respondent told the Wises that she was retiring.
4. Respondent closed her offices in October 2010, without completing the work on the Wises' adoption matter and without taking steps to prevent reasonably foreseeable harm to the Wises.
5. On October 1, 2012, Respondent completed an accounting showing the work that she had performed on the Wises' matter and that the Wises were owed a refund of \$1,217.50. Respondent did not send the accounting to the Wises.
6. On November 1, 2012, respondent sent the Wises a refund of \$1,217.50. The State Bar sent a copy of respondent's accounting to the Wises.

CONCLUSIONS OF LAW

7. By failing to complete the interstate adoption matter that she was hired to perform by the Wises, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).
8. By failing to respond to the Wises' requests for the status of the adoption matter, respondent wilfully violated Business and Professions Code, section 6068(m).
9. By failing to account for the fees she received from the Wises when her employment ended, respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(3).

10. By failing to take reasonable steps to avoid reasonably foreseeable prejudice to the Wises when she retired in October 2010, respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2).

Case no. 12-O-15870 (Complainant: Leigh Edington)

11. Beginning in February 1997 respondent represented Ruth Edington (Mrs. Edington) in a divorce, and then in a probate matter involving Mrs. Edington's financial interest in her ex-husband's estate.

12. On September 30, 1999, Mrs. Edington executed a Last Will and Testament which appointed Respondent as executrix of the will.

13. On October 12, 2002, Mrs. Edington passed away. On November 1, 2002, Respondent filed a Petition for Probate of Mrs. Edington's Will and for Letters Testamentary in San Benito County Superior Court, case number CV-PB-0207223. On December 17, 2002, the Court appointed Respondent as administrator of Mrs. Edington's estate. On July 28, 2003, Respondent filed a final inventory and appraisal of the Edington estate.

14. Between January 1998 and December 2011, respondent performed legal work for Mrs. Edington and for the Edington estate. In April 2006, respondent hired an accounting firm to prepare an accounting of the Edington estate in anticipation of closing the estate and provided a copy of the accounting to Leigh Edington, the residual beneficiary of the Edington estate. However, an unresolved joint liability and tax obligation involving Mrs. Edington's ex-husband's business assets delayed closure of the estate. The issue was finally resolved in early 2013.

15. Between December 2002 and December 2011, respondent distributed \$147,077.40 from the estate to herself as payment for her legal services without court approval. During this same period, respondent disbursed \$251,940 of estate funds to Leigh Edington without court approval.

16. By distributing estate funds to herself without a court order, respondent violated California Probate Code sections 10830 and 10831 which provide in pertinent part that a court order is necessary prior to disbursing estate funds to the attorney or representative, and violated California Rule of Court 7.700(a) which states in pertinent part that the attorney for the personal representative/executor of an estate in probate must not receive statutory commissions, or fees, or fees for extraordinary services in advance of an order of the court authorizing their payment.

17. On December 5, 2013, Respondent filed a Petition for Orders re: Closure of the Estate, Interim and Final Accounting (Petition) seeking, among other things, retroactive authorization to disburse \$147,077.40 to herself. Her Petition included a full accounting of legal work performed.

18. On September 5, 2014, the Superior Court issued an Order for Final Distribution on Approval of Account; For Allowance of Executor's Fees; and For Return of Funds to Estate (Order for Final Distribution). In the Order for Final Distribution, the court found that respondent made unauthorized distributions to herself from the estate totaling \$147,077.40 without court approval. The court retroactively granted respondent \$15,865.68 in statutory fees, \$50,000 in extraordinary fees, and \$11,598.38 to reimburse her for advanced costs, totaling \$77,464.06.

19. The court also ordered respondent to reimburse \$69,613.34 to the estate. The court reasoned that respondent was not entitled to approximately \$35,000 that she earned before Mrs. Edington died because respondent did not file a timely creditor's claim. Moreover, although the court granted respondent's claim for extraordinary fees in the amount of \$50,000, it denied all of respondent's claims for extraordinary fees that exceeded the \$50,000.

20. On September 5, 2014, the court, noting that respondent had no immediate ability to repay the estate, ordered respondent to make arrangements in writing with the attorneys for the Edington estate to reimburse the estate. The court then closed the probate matter.

21. On May 29, 2015, by agreement with the attorneys for the Edington estate, respondent signed a promissory note, secured by respondent's real property, in order to reimburse the estate.

CONCLUSIONS OF LAW

22. By disbursing assets of the Edington estate, acting in her capacity as executor, without a prior court order as required by Probate Code sections 10810, 10830 and 10831 and Rules of Court 7.700(a) and 7.701, respondent wilfully violated Business and Professions Code section 6068(a).

23. By disbursing funds from the Edington estate to herself as payment for legal services without a prior court order, respondent wilfully violated Rules of Professional Conduct, rule 4-200(A).

24. By disbursing \$147,077.40 to herself as advances for attorney's fees and costs from the Edington estate without prior authorization, between December 2002 and December 2011, while acting in her capacity as executrix and as the administrator for the Edington estate, when she knew or was grossly negligent in not knowing that Probate Code sections 10810, 10830 and 10831 and Rules of Court 7.700(a) and 7.701 forbade her from doing so, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's misconduct evidences multiple acts of misconduct.

Significant Harm (Std. 1.5(f)): Respondent significantly harmed the Edington estate by improperly disbursing \$147,077.40 in estate funds to herself without prior authorization and thereby depriving the estate of those funds. This aggravating fact is tempered by the court's order retroactively authorizing respondent's request for \$77,464.06 and by respondent signing a promissory note, secured by respondent's real property, in order to reimburse the estate.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to practice law in California on June 8, 1992, and had practiced for more than ten (10) years with no record of discipline at the time of the misconduct in this stipulation. Respondent's many years in practice with no discipline is entitled to significant weight in mitigation. (*Hawes v. State Bar* (1990) 51 Cal. 3d 587, 596 [Over 10 years in practice with no prior record was entitled to significant weight in mitigation.]

Pretrial Stipulation: Respondent admitted to the misconduct and entered into this stipulation fully resolving this matter prior to trial. Respondent's cooperation at this stage has saved the State Bar resources and time. Respondent is entitled to mitigation for her cooperation. (*Silva-Vidor v. State Bar* (1989) 49 Cal. 3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

Good Character (Std. 1.6(f)): Respondent has produced a number of witnesses including three former clients and a former juvenile court judge who are familiar with the allegations against respondent and who have high praise for respondent's character and professional skill. (*In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591-592. [Three witnesses accorded significant weight in mitigation due to their familiarity with Respondent and their knowledge of his good character, work habits and professional skills.])

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent admits to committing seven (7) acts of professional misconduct. Standard 1.7(a) requires that where a Respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to Respondent's misconduct is found in Standard 2.7, which applies to Respondent's violation of Business and Professions Code, section 6106. Standard 2.7 states that disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on the magnitude of the

misconduct and the extent to which the misconduct harmed or misled the victim and related to the member's practice of law. However, since the gravamen of respondent's misconduct is improperly taking funds for legal fees without prior court approval, Standard 2.3, which provides that suspension or reproof is appropriate for collecting an illegal fee, also applies in this case.

Here, respondent improperly took funds as payment for legal services that she provided to Mrs. Edington and to the Edington estate, and concurrently disbursed funds to the beneficiary, without court approval for a period of ten years. Her conduct caused harm by depriving the estate of its funds.

The Supreme Court addressed the issue of an attorney taking client funds without permission for outstanding legal fees in the *Sternlieb v. State Bar of California* matter. (*Sternlieb v. State Bar of California*, (1990) 52 Cal. 3d 317) In *Sternlieb*, the attorney took client funds in the amount of \$4,066 from her CTA, without the client's permission. The Review Department found that Sternlieb's conduct demonstrated moral turpitude in violation of Business and Professions Code, section 6106. The Supreme Court, finding that Sternlieb took the funds to pay her outstanding legal fees, held that the evidence did not support the moral turpitude charge, holding instead that her actions were not dishonest. The Supreme Court also modified the Review Department's recommendation that Sternlieb be suspended for two years and imposed an actual suspension of 30 days.

Like Sternlieb, respondent took funds to pay for legal services that she had provided to Mrs. Edington and to the Edington estate. Although respondent took significantly more funds than Sternlieb, there is no evidence of dishonesty and she did not conceal her actions as demonstrated by her providing full accountings in 2006 and in 2013. The court agreed that respondent was entitled to substantial fees and costs for legal services provided to the estate, and after reviewing her final accounting, the Superior Court retroactively authorized respondent's requests for \$77,464.06 in fees and costs and respondent made arrangements in writing with the attorneys for the Edington estate to reimburse \$69,613.34 to the estate.

All of the facts, combined with respondent's many years in practice without prior discipline, her good character witnesses, her cooperation by entering into a pre-trial stipulation, and the fact that she has executed a promissory note in favor of the estate secured by respondent's real property indicate that disbarment is not necessary as the misconduct is aberrational and unlikely to recur.

Balancing the facts, aggravation, and mitigation, discipline including two (2) years of actual suspension and until compliance with Standard 1.2(c)(1) will protect the public, the courts, and the legal profession, and serve the purposes of attorney discipline as outlined in Standard 1.1.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 21, 2015, the prosecution costs in this matter are \$7,059. 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.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
12-O-14351	Four	3-700 (D)(2) [Failure to refund unearned fees]
12-O-15870	Six	3-110 (A) [Failure to perform competently]

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.)

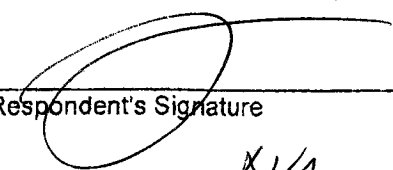
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In the Matter of: SUZANNE KAE BIELY	Case number(s): 12-O-14351 12-O-15870
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SIGNATURE OF THE PARTIES

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.

6/10/15
Date


Respondent's Signature

SUZANNE KAE BIELY
Print Name

Date

N/A
Respondent's Counsel Signature

Print Name

6/17/15
Date


Deputy Trial Counsel's Signature

ANTHONY J. GARCIA
Print Name

(Do not write above this line.)

In the Matter of:
SUZANNE KAE BIELY

Case Number(s):
12-O-14351
12-O-15870

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.

1. On page 4 of the Stipulation, under "Additional mitigating circumstances," at the top of the page, "See page 9" is deleted, and in its place is inserted "See pages 9-10".
2. On page 9 of the Stipulation, numbered paragraph 24, line 6, "dishonesty or corruption " is deleted.

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.)**

Date

June 19, 2015

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
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 June 22, 2015, 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:

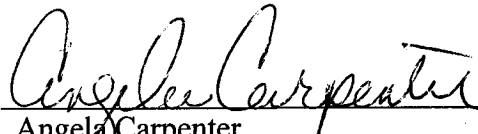
SUZANNE K. BIELY
THE LAW OFFICE OF SUZANNE K. BIELY
PO BOX 1726
SANTA MARIA, CA 93456

SUZANNE K. BIELY
6600 ST ANDREWS NORTH
TUCSON, AZ 85718

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

ANTHONY GARCIA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 22, 2015.



Angela Carpenter
Case Administrator
State Bar Court