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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>San Francisco</b> <b>DISBARMENT</b>		
<b>Counsel For The State Bar</b>  Erica L. M. Dennings Senior Trial Counsel 180 Howard Street, 7th Fl. San Francisco, CA 94105 (415) 538-2285  Bar # 145755	<b>Case Number(s):</b> 12-O-15052	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  JUN 13 2013  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>Counsel For Respondent</b>  Russell S. Roeca Roeca Haas, Hager, LLP 250 Montgomery St Suite 1410 San Francisco, CA 94104 (415) 352-0980  Bar # 97297	<b>Submitted to: Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT  <b>DISBARMENT</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> <b>KAREN S. HULL</b>  Bar # 176063  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 April 13, 1995.
- (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 (10) pages, not including the order.

(Effective January 1, 2011)

Disbarment

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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):
  - ☒ 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
  - (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. See Attachment to Stipulation, at p. 7
- (4) ☒ Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Attachment to Stipulation, at p. 7

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- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$        on        in restitution to        without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (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.

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(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 to Stipulation, at p. 7

**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 TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: Karen S. Hull

CASE NUMBER(S): 12-O-15052

**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-15052 (Complainant: Jin L. Tan)

**FACTS:**

1. On November 5, 2003, Jin Lan Tan ("Tan") hired respondent to represent her in a wrongful eviction lawsuit.

2. On February 13 2004, respondent, along with co-counsel Rachel Shapiro ("Shapiro"), filed a complaint for damages and injunctive relief on behalf of Tan and her three minor children, *Jin Lan Tan, and Herman Zhu, Herber Zhu and Elaine Zhy* by and through their guardian ad litem *Jin Lan Tan v. Henry Chow*, et al San Francisco Superior Court Case Number 428808. The complaint alleged, inter alia, retaliatory eviction, breach of the warranty of habitability and covenant of quiet enjoyment. Along with respondent and Shapiro, Eric Lifschitz ("Lifschitz") also represented the plaintiffs.

3. On March 7, 2005, Tan's case settled for \$300,000.

4. On May 6, 2005, respondent deposited the settlement proceeds into her Client Trust Account, Wells Fargo Bank account number XXXX9521<sup>1</sup>. After payment of attorney's fees, the minor's share of the settlement proceeds, and costs owed, Tan's portion of the settlement proceeds was \$131,009.27. Tan requested that respondent hold on to her funds because she was considering purchasing an annuity or some other instrument for receiving payments over time. Respondent was required to maintain at least \$131,009.27 in her CTA on Tan's behalf.

5. At no time between depositing the check into her CTA on May 6, 2005 and May 30, 2008, did respondent pay any funds to Tan or on her behalf.

6. Respondent dishonestly misappropriated \$130,984 of Tan's funds for her own use and purpose.

7. On May 30, 2008, the balance in respondent's CTA fell to a low of \$35.27.

8. In May 2011, Tan called respondent and requested her settlement funds. Respondent told Tan that she would call her back later. Respondent did not call Tan back or disburse her settlement proceeds.

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<sup>1</sup> For privacy purposes, only the last 4 digits of the CTA are identified.

9. On June 21, 2012, Tan submitted a complaint against respondent with the State Bar of California regarding her settlement proceeds.

10. On July 19, 2012 a State Bar investigator wrote to respondent regarding Tan's complaint. Respondent received the letter. On September 16, 2012, Respondent responded to the letter, and stated that on September 4, 2012, she deposited \$130,000 into Tan's bank account.

11. On September 4, 2012, Respondent deposited \$131,009.27 into Tan's bank account.

#### CONCLUSIONS OF LAW:

12. By allowing her CTA to fall below \$131,009.27, respondent failed to maintain the balance of client funds received for the benefit of a client in a CTA in willful violation of Rule of Professional Conduct rule 4-100(A).

13. By dishonestly misappropriating more than \$130,000 of Tan's funds for her own personal use, respondent committed acts involving moral turpitude and dishonesty in willful violation of Business and Professions Code section 6106.

#### ADDITIONAL FACTS RE: AGGRAVATING CIRCUMSTANCES.

**Trust Violations:** Respondent misappropriated more than \$131,000 from her client.

**Harm:** Respondent's conduct caused significant harm to Tan as she was deprived of her funds for more than seven years. (Std. 1.2(b)(iv)).

#### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

##### **Additional Mitigating Circumstances:**

**No Prior Discipline:** Though Respondent has no prior discipline in ten years of practice, the serious nature of her current misconduct limits the weight of this fact in mitigation. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41.)

**Pre-filing Stipulation:** Respondent is entitled to mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (See *In the matter of Downey* (Review Dept. 2009) 5 Cal State Bar Ct. Rptr. 151; *In the Matter of Van Sickie* (Review Dept. 2006) 4 Cal State Bar Ct. Rptr. 980).

#### 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 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.) 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 two acts of professional misconduct. Standard 1.6(a) requires that where a respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standard that applies to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to respondent’s misconduct is found in Standard 2.2(a) which applies to respondent’s misappropriation of funds in violation of Business and Professions Code section 6106.

Standard 2.2(a) provides that “culpability of a member of wilful misappropriation of entrusted funds or property shall result in disbarment, only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed.”

In this case, the amount of funds misappropriated was not small nor do compelling circumstances clearly predominate. The misappropriation was an act of moral turpitude and dishonesty and the client was harmed by being deprived of her settlement funds for more than seven years, and continues to experience harm as she is deprived of a portion of her settlement funds. Therefore, there is no reason to deviate from this standard requiring disbarment.

Disbarment is also supported by case law. See *In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, *Grim v. State Bar* (1991) 53 Cal.3d 21, *Kaplan v. State Bar* (1991) 52 Cal.3d 1067, *Chang v. State Bar* (1989) 49 Cal.3d 1140. In *Conner*, the attorney was disbarred for misappropriation of \$26,699.56 despite the absence of any prior disciplinary record over 12½ years of practice and Conner’s participation in the disciplinary proceedings. Like Conner, respondent misappropriated \$130,592.46 for her own personal use.

Disbarment in this matter is appropriate and is the only discipline consistent with the purposes of discipline set forth in Standard 1.3.

## **PENDING PROCEEDINGS.**

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



### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 7, 2013, the prosecution costs in this matter are \$3,484. 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.

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In the Matter of:  
KAREN S. HULL

Case number(s):  
12-O-15052

### 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.

5/13/13

Date

Respondent's Signature

Karen S. Hull  
Print Name

5/13/13

Date

Respondent's Counsel Signature

Russell Roeca  
Print Name

15 May 2013

Date

Deputy Trial Counsel's Signature

Erica L. M. Dennings  
Print Name

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In the Matter of:  
KAREN S. HULL

Case Number(s):  
12-O-15052

### 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.

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 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.

Date

June 13, 2013

Cat 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 June 13, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

RUSSELL SAMUEL ROECA  
ROECA HAAS HAGER LLP  
250 MONTGOMERY ST SUITE 1410  
SAN FRANCISCO, CA 94104

☐ 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:

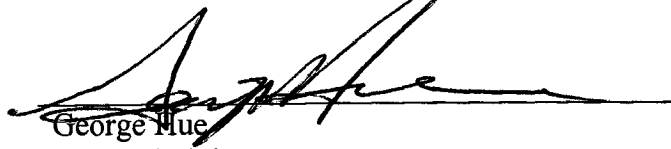
☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

☐ 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 June 13, 2013.

  
George Hue  
Case Administrator  
State Bar Court