

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	<b>Case Nos.: 13-O-13838-DFM</b>
	)	(13-O-14282); 13-O-17014 (Cons.)
<b>SVITLANA E. SANGARY,</b>	)	
	)	<b>DECISION</b>
<b>Member No. 232282,</b>	)	
	)	
A Member of the State Bar.	)	

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**INTRODUCTION**

Respondent Svitlana E. Sangary (Respondent) is charged here with four counts of misconduct, involving three separate matters. It is alleged that Respondent willfully violated rule 1-400(D)(2) of the Rules of Professional Conduct<sup>1</sup> (deceptive advertising); rule 3-700(D)(1) (failing to promptly release a client file); and two counts of section 6068, subdivision (i) (failing to cooperate with a disciplinary investigation). The State Bar had the burden of proving the above charges by clear and convincing evidence. The court finds culpability and recommends discipline as set forth below.

**PERTINENT PROCEDURAL HISTORY**

The Office of the Chief Trial Counsel of the State Bar of California (State Bar) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on November 21, 2013, in case Nos. 13-O-13838 and 13-O-14282. On January 21, 2014, a status conference was held in this

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<sup>1</sup> Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

matter. The State Bar was represented by Eli Morgenstern. Respondent did not appear. Because the court had not received a response by Respondent to the NDC, the State Bar was ordered to file a motion for entry of Respondent's default by February 14, 2014, in the event that a response was not filed.

On January 27, 2014, Respondent, acting as her own counsel, filed a response to the NDC. In her response, Respondent denied the allegations contained in the NDC and then wrote a 16-page soliloquy with little to no rational connection to the charges at hand. In one portion of her response, Respondent wrote:

Also, with regard to false statements and misleading advertisement, none other than Natalie Portman comes to mind. The online media extensively covers the controversy surrounding Natalie Portman's performance in the film Black Swan. The ballet dancer who performed in the Black Swan, Sarah Lane, has come forward to reveal [*sic*] a "cover-up" and says that Natalie Portman's head was superimposed on to Sarah Lane's body, and that Natalie Portman lied. Please see Exhibit [*sic*] 21, 3 articles that appeared on [www.theguardian.com](http://www.theguardian.com), <http://news.softpedia.com> and [www.thehuffingtonpost.com](http://www.thehuffingtonpost.com).

Despite the foregoing, Natalie Portman has won an Oscar for her performance in Black Swan.

[Respondent's January 27, 2014 response, p. 12.]

Later in her response, Respondent concluded by stating:

There is a popular expression, 'sweet sixteen'. The foregoing 16 pages can be characterized as bitter-sweet sixteen, in SANGARY's view. It goes without saying as to why they are bitter. Can one envision the acts in the civil arena, more unseemly than the ones described above? But what SANGARY views as sweet is that this country, the United States of America, is truly the land of opportunity, where anything and everything is possible. SVITLANA SANGARY came to this country in her twenties, with nothing, and married another immigrant, who also had nothing. SANGARY passed LSAT [*sic*] without taking the preparation course, graduated *cum laude* from the Pepperdine University School of Law, and passed the bar without even taking the Barbri course. SANGARY's American dream has come true, as she has been able to achieve a point wherein now, in her thirties,

SANGARY is a prominent donor and philanthropist, supporting important social causes, who had recently received the email from President Obama, with the subject line ‘I need your help today’, asking SVITLANA SANGARY for an additional donation. Please see Exhibit 30.

God Bless America!

[Respondent’s January 27, 2014 response, p. 17.]

Respondent attached 30 exhibits to her response, including an extensive write-up on Natalie Portman and an email from Barack Obama requesting that Respondent “[c]hip in \$3 or more” to help the Democratic Party. (Respondent’s January 27, 2014 response, Exhibit 30.)

On January 28, 2014, this court issued a trial-setting order, setting a trial date of March 12, 2014.

On March 6, 2014, this court issued an order staying the proceeding based on the State Bar’s pursuit of an interim appeal regarding portions of this court’s case management order. On March 26, 2014, the Review Department ruled on the State Bar’s interim appeal and the matter was remanded to this court with instructions to modify the case management order.

On April 15, 2014, this court issued an order lifting the existing stay and scheduling a status conference on May 5, 2014, for the purpose of setting new trial and pretrial dates. That status conference went forward as scheduled. Respondent did not appear at the status conference; instead, Frank Lincoln made a special appearance on her behalf. At the status conference, a new trial date of June 10, 2014 was scheduled.

On May 6, 2014, this court issued an order setting forth the new trial date, together with deadlines for the parties to comply with their pretrial obligations and to file a pretrial statement. In addition, the court ordered the parties to participate in a settlement conference with Judge Pro tem George Scott on May 19, 2014. A copy of that order was mailed to both Respondent and to attorney Frank Lincoln.

On May 22, 2014, the State Bar filed an NDC in case No. 13-O-17014. The NDC consists of a single count, alleging Respondent's failure to cooperate in the State Bar's investigation in that matter, including failing to appear for an investigative deposition on April 4, 2014. The new case was assigned to the undersigned.

A status conference was held on June 2, 2014. Respondent did not appear at the status conference; instead, Frank Lincoln made a special appearance on her behalf. At the status conference, the two proceedings were consolidated and a new trial date of July 8, 2014, was scheduled. On June 3, 2014, this court issued a new trial-setting order, providing new dates for the parties to comply with various pretrial disclosure obligations and file pretrial conference statements. In addition, the court ordered the parties to participate in a settlement conference with Judge Pro tem George Scott. The order was explicit in stating that unless excused by the court Respondent was obligated to attend the settlement conference, even if represented by counsel. A copy of that order was mailed to both Respondent and to attorney Frank Lincoln. Despite this order and the fact that Respondent was not excused by the court, Respondent did not attend the scheduled settlement conference, although attorney Lincoln was present. The assigned judge then issued an order stating, "Respondent did not appear. Settlement discussions would not be fruitful."

On June 30, 2014, Respondent, acting as her own counsel, filed her response to the NDC in case No. 13-O-17014. The response denied the alleged misconduct and included a lengthy presentation of various facts and documents that Respondent "finds highly disturbing, and that have caused and continue to cause [Respondent] a significant level of turbulence, dismay, and even shock." (Respondent's June 30, 2014 response, pp. 1-2.) Instead of focusing on the only allegation in the NDC, i.e. whether or not Respondent failed to cooperate with a State Bar

investigation, Respondent denied the allegation and proceeded to compose another bizarre soliloquy, at one point stating:

What is also unbelievable is that SVETLANA KONOVIATCH, a woman in her forties, living in the United States, is “milking” her mother, living in Ukraine, for money! SVETLANA KONOVIATCH’s mother, as stated by SVETLANA KONOVIATCH herself in the said posting on [www.yelp.com](http://www.yelp.com), is “90% blind 73 year old lady”. Can you imagine this??!!!! Can you believe this??!!!! Instead of a young daughter living in the United States supporting her elderly 90% blind mother living in the Ukraine, it is the mother, who is 73 years old and blind, living in the Ukraine, who supports her daughter, who is in her forties and lives in the United States. Wow!!! And, after all, having received her mother’s money from SVITLANA SANGARY, the daughter SVETLANA KONOVIATCH has the audacity to make a posting on [www.yelp.com](http://www.yelp.com), explaining to the whole world that she is sucking the last dollars (or maybe even pennies) from her elderly disabled mother, and falsely claiming that SVITLANA SANGARY stole the money. If this is not perverse, sick and ridiculous, what is??!!!!

[Respondent’s June 30, 2014 response, p. 6.]

Respondent ultimately concluded her response by writing:

SVITLANA SANGARY did not have to deal with lemon law. She is dealing with other type [*sic*] of “lemons”, such as the ones revealed here. And a proverbial phrase comes to mind. “When life gives you lemons, make lemonade”. Wikipedia says that it is a proverbial phrase used to encourage optimism and a can-do attitude in the face of adversity or misfortune.

Wikipedia describes it. SANGARY exemplifies it.

And, such lemonade tastes great. It may have blood, sweat, and tears in it, but it is so enjoyable. The more challenges, the more lemons – the more lemonade!

God bless America, the land of opportunity!!!

[Respondent’s June 30, 2014 response, p. 12.]

On the same day, June 30, 2014, the pretrial conference in this consolidated matter was held, as previously scheduled in this court’s trial-setting order of June 3, 2014. Neither

Respondent nor Frank Lincoln appeared for it. Respondent also did not file a pretrial conference statement, despite this court's prior order.

On July 1, 2014, this court issued an order noting (1) that no substitution of attorneys had been filed by Respondent or Frank Lincoln; (2) that Respondent must comply with the pretrial disclosure requirements or her evidence at trial will be excluded; and (3) that the trial would commence as previously scheduled.

On the morning of the scheduled trial, July 8, 2014, Respondent filed a motion to continue the trial, alleging that Frank Lincoln had terminated his legal services to her prior to the "4<sup>th</sup> of July holidays" and requesting a continuance so that she could hire new counsel. The State Bar made an oral objection to the requested continuance, and this court denied the motion.

Throughout the balance of the trial, Respondent refused to participate, other than stating that she wanted a continuance and was not prepared to try the case. When called as a witness by the State Bar, she took the same position and declined even to take the witness's oath until ordered to do so by this court. She then refused to answer any questions, claiming a First Amendment right to remain silent. This refusal continued despite this court's instruction to her that, subject to her Fifth Amendment right to refuse to answer specific questions that were potentially incriminating, she had an obligation to cooperate with the disciplinary proceeding and that an unjustified refusal by her to do so could be treated by this court as an aggravating factor in the event of a finding of culpability.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The following findings of fact are based on Respondent's responses to the two NDCs and the documentary and testimonial evidence admitted at trial.

## **Jurisdiction**

Respondent was admitted to the practice of law in California on November 24, 2004, and has been a member of the State Bar at all relevant times.

## **Case No. 13-O-13838**

Respondent has a website that features a large number of “Publicity” photos. Each of these photos shows Respondent with at least one other celebrity or political figure, including Barack Obama, Bill Clinton, Hillary Clinton, Al Gore, Arnold Schwarzenegger, Antonio Villaraigosa, George Clooney, Paris Hilton, and Bill Maher, to name a few. At trial, the State Bar elicited credible and persuasive expert testimony, and this court finds, that many, and perhaps all, of these photos were created by taking original celebrity photos and then overlaying Respondent’s image in order to make it appear as though Respondent was in the presence of that celebrity. These photographs were part of an advertisement and solicitation for future work, directed by Respondent to the general public through her website, and they were false, deceptive, and intended to confuse, deceive and mislead the public.

These “publicity” photos still remained on Respondent’s website at the time of the trial of this matter, notwithstanding both the State Bar’s ongoing inquiries to Respondent since December 2012 regarding the deceptive nature of these photos and the filing of the instant charges against Respondent under rule 1-400 in November 2013.

### **Count One - Rule 1-400(D)(2) [Deceptive Advertising]**

Rule 1-400(D)(2) provides that attorney communications or solicitations shall not contain any matter in a manner or format which is false, deceptive, or which tends to confuse, deceive or mislead the public. By posting and maintaining several images on her website falsely depicting Respondent posing with various public figures, when in fact Respondent was not actually photographed in the company of those public figures, Respondent communicated an

advertisement or solicitation directed to the general public that was false and deceptive, in willful violation of rule 1-400(D)(2).

**Count Two - Section 6068, subd. (i) [Failure to Cooperate]**

A State Bar investigator sent Respondent a letter on August 20, 2014, informing Respondent that a previously closed investigation (12-21669) was being re-opened and re-numbered as 13-O-13838, and asking Respondent to provide a response to the allegations made by the complainant in that matter. Included within the listed allegations was the allegation that Respondent's website "depicts numerous photographs of [her] standing next to various public figures, including politicians, actors, musicians and other celebrities. It appears that many of these photos appear to be 'photo shopped.' The photos appear to be misleading [*sic*] and false advertisement." Respondent was directed to provide a written response, including providing specified documents, regarding the challenged "Publicity" photos, by September 3, 2013. The letter noted that "it is the duty of an attorney to cooperate and participate in any State Bar investigation."

On August 30, 2013, Respondent was given a one-week extension of the September 3, 2013 deadline. On September 11, 2013, Respondent requested, but was denied, an additional two-week extension of the deadline. Thereafter, on October 7, 2013, Respondent sent an email to the State Bar, indicating that she was "still working" on her response. Despite that assurance, no response was ever provided by Respondent to the State Bar's letter.

Section 6068, subdivision (i), of the Business and Professions Code, subject to constitutional and statutory privileges, requires attorneys to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against that attorney. Respondent's failure to respond to investigator's August 20, 2014 letter constituted a willful violation of her duties under section 6068, subdivision (i). (*In the Matter of Bach*

(Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 644 [attorney may be found culpable of violating § 6068, subd. (i), for failing to respond to State Bar investigator's letter, even if attorney later appears and fully participates in formal disciplinary proceeding].)

**Case No. 13-O-14282**

Respondent represented Armando Soto (Soto) in seeking to set aside a significant default judgment against him. When Respondent was terminated as the attorney for Soto, Respondent declined to discuss with Soto the status of his case. Then, when Soto hired a new attorney, Respondent refused requests that Soto's file be transmitted to the new attorney. The first request was made in writing on March 7, 2013, and was followed by numerous telephone calls and voicemail messages by the new attorney's office. Respondent merely ignored these requests until after Soto complained to the State Bar. Finally, in late June 2013, Respondent sent a portion of the file to the new attorney, but withheld many pertinent documents. It was only on August 30, 2013, after the new attorney's office had again contacted the State Bar, that Respondent delivered the balance of the file. The effect of this delay was to cause additional expense to Soto in attorney's fees and to delay the filing of the motion to set aside the existing default judgment.

**Count Three - Rule 3-700(D)(1) [Failure to Release Client File]**

Respondent's response to the NDC makes clear that she was well aware of her obligation under rule 3-700(D)(1) to promptly release all client papers and property to the client upon termination of employment. In fact, as an attachment to that response, she included a letter she had sent to an attorney in June 2011, in which she provided a lengthy discourse on an attorney's obligations under rule 3-700(D)(1). That discourse included the following:

The California case law is also clear that upon discharge by the client, an attorney is required to return the client's case file or forwards [*sic*] the case file to a successor attorney, since the attorney's work product belongs absolutely to the client whether or

not the attorney has been paid for his or her services. *John F. Matull & Associates, Inc. v. Cloutier* (1987) 194 Cal. App. 3d 1049; *Kalen v. Delug* (1984) 157 Cal. App. 3d 940.

In other words, the requirement to return all client's papers and properties applies when the attorney ceases to provide legal services to the client. *Baker v. State Bar* (1989) 49 Cal. 3d 804.

An attorney may not withhold client's papers. *Academy of Cal. Optometrists, Inc. v. Superior Court* (1975) 51 Cal. App. 3d 999.

Furthermore, please be advised that unreasonable delay in releasing or refusal to turn over a client's file after being notified of the substitution is ground for disciplinary action. See CRPC 3-700(D) & 4-100(B)(4); Los Angeles Bar Ass'n. Form Opns. 48, 103, 197, 253 and 330 (1972); *Rosenthal v. State Bar* (1987) 43 C3d 612, 621-622 (attorney disciplined for (among other things) failing to return client files or provide access to records; *Bernstein v. State Bar* (1990) 50 Cal. 3d 221, 232 (discipline for failure to turn over client files and documents); *Matter of Phillips* (Rev. Dept 2001) 4 Cal. State Bar Ct. Rptr. 315, 325-326 (discipline for failure to release file documents after discharge by client).

[Respondent's January 27, 2014 response, Exhibit 29.]

Respondent's failure to respond promptly to the request for the transfer of her file to Soto's new attorney constituted a willful violation of rule 3-700(D)(1).

#### **Case No. 13-O-17014**

On January 16, 2014, a State Bar investigator sent Respondent a letter as a result of a complaint received from Hasmik Jasmine Ohanian, Esq. In that letter, the investigator informed Respondent that Ohanian had complained that Respondent had sued a former client for fees without first offering to arbitrate the matter. In addition, Ohanian had complained that Respondent's website, including the various "Publicity" photos and numerous purported testimonials, was false and misleading. Respondent was directed to provide a written response, including providing specified documents, regarding the Ohanian complaints by January 30, 2014. This letter also reminded Respondent that "it is the duty of an attorney to cooperate and participate in any State Bar investigation."

On January 29, 2014, Respondent requested and was subsequently granted a two-week extension. On February 17, 2014, after the extended deadline had passed, Respondent sent an email to the State Bar, indicating that she was “working” on her response and needed another extension. That request was denied, and Respondent was admonished to provide her response as soon as possible. Despite that admonition, no response was ever provided by Respondent to the State Bar’s January 16, 2014 investigation letter.

**Count One - Section 6068, subd. (i) [Failure to Cooperate]**

Respondent’s failure to respond to the investigator’s letter in the Ohanian investigation constituted a willful violation of her duties under section 6068, subdivision (i).

**Aggravating Circumstances**

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, Stds. for Atty. Sanctions for Prof. Misconduct,<sup>2</sup> std. 1.5.) The court finds the following with respect to aggravating circumstances.

**Multiple Acts of Misconduct**

Respondent’s multiple acts of misconduct is an aggravating factor. (Std. 1.5(b).)

**Lack of Insight**

Respondent has demonstrated a persistent lack of insight regarding her need to comply with her professional obligations and her ongoing failures to do so. Although charges were pending against her in January 2014 for her failure to respond to a State Bar’s investigation letter regarding her website, she failed to respond to a new investigation launched by the State Bar as a result of another complaint against her by a different individual. Similarly, although she scolded another attorney in 2012 regarding that attorney’s duty to turn over a former client’s file to a successor attorney for the client, she then violated that duty the following year.

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<sup>2</sup> All further references to standard(s) or std. are to this source.

### **Contempt for Disciplinary Proceedings**

Respondent's conduct during the course of this proceeding demonstrated her contempt for these proceedings and further calls into question her fitness to practice law. (*Weber v. State Bar* (1988) 47 Cal.3d 492, 507 [“an attorney’s contemptuous attitude toward the disciplinary proceedings is relevant to the determination of an appropriate sanction”].)

Respondent failed to appear for a court-ordered settlement conference; she failed to comply with her pretrial disclosure obligations; she filed her responses to the NDCs only after this court had directed the State Bar to file motions for entry of her default; and, although she was physically present during the trial of this matter, she refused to provide any functional participation in it, whether as a self-represented party or as a witness. Instead, she sat throughout the proceeding at counsel table, obviously engaged in some other activity (which she described at one point as writing her request for an interim appeal of this court’s denial of her request for a continuance).

Respondent’s disregard and disrespect for this disciplinary proceeding is a significant aggravating factor.

### **Mitigating Circumstances**

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds the following with regard to mitigating circumstances.

#### **No Prior Record of Discipline**

Respondent had no prior record of discipline for approximately eight years prior to the misconduct in this case.<sup>3</sup> Respondent’s discipline-free record warrants some consideration in

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<sup>3</sup> The court takes judicial notice of the fact that Respondent has no previous record of discipline.

mitigation. (Std. 1.6(a); *In the Matter of DeMassa* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 737, 752 [eight years of unblemished practice not a significant mitigating circumstance].)

## **DISCUSSION**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, preserve public confidence in the profession, and maintain the highest possible professional standards for attorneys. (Std. 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.) In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) Although the standards are not binding, they are to be afforded great weight because “they promote the consistent and uniform application of disciplinary measures.” (*In re Silvertown* (2005) 36 Cal.4th 81, 91-92.) Nevertheless, the court is not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, the court is permitted to temper the letter of the law with considerations peculiar to the offense and the offender. (*In the Matter of Van Sickle* (2006) 4 Cal. State Bar Ct. Rptr. 980, 994; *Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) In addition, the court considers relevant decisional law for guidance. (See *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 703.) Ultimately, in determining the appropriate level of discipline, each case must be decided on its own facts after a balanced consideration of all relevant factors. (*Connor v. State Bar* (1990) 50 Cal.3d 1047, 1059; *In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940.)

Standard 1.7(a) provides that, when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of the different sanctions. In the present proceeding, the most

severe sanction for Respondent's misconduct is found in standard 2.15, which provides that suspension not to exceed three years or reprobation is appropriate for a violation of the Business and Professions Code or the Rules of Professional Conduct not otherwise specified in the Standards.

The State Bar, in its pretrial conference statement, requested a one-year stayed suspension and a two-year probation, with conditions of probation including 60-days actual suspension. At trial, it increased that request to 90-days of actual suspension and a requirement that Respondent comply with California Rules of Court, rule 9.20.

Looking to the case law, the court finds some guidance in *In re Morse* (1995) 11 Cal.4th 184, and *In the Matter of Mitchell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 332. In *Morse*, the attorney mailed business solicitations in envelopes labeled to make the recipient believe that the communication came from his or her lender, rather than from the attorney. The attorney continued this practice for nearly five years and sent over four million deceptive letters. Despite requests from the Attorney General and district attorney, the attorney refused to stop misleading the public, ultimately forcing the authorities to obtain an injunction. In aggravation, the attorney committed multiple acts of misconduct, demonstrated bad faith, was indifferent toward rectification, and was found to have committed other misconduct stemming from additional uncharged mailings. In mitigation, the attorney received minimal weight for having no prior record of discipline in six years of practice. Considering the broad scope of the misconduct and numerous aggravating factors, the Supreme Court ordered, among other things, a three-year period of actual suspension.

In *Mitchell*, an attorney seeking employment distributed his resume containing misleading information about his education to various law firms over a three-year period. The attorney also provided dishonest responses to the State Bar's interrogatories. In aggravation, the attorney committed multiple acts of misconduct and demonstrated a lack of insight into his

misconduct. In mitigation, the attorney was experiencing emotional stress at the time of the misconduct. Specifically, the attorney's wife, who had previously experienced a late-term miscarriage, was again pregnant. The attorney's judgment was clouded by his fear that the stress associated with his unemployment could result in a second miscarriage. Considering that there was no evidence that the false resumes affected any hiring decisions, the Review Department recommended that the attorney be actually suspended for 60 days.

Considering the totality of the circumstances, the present case falls between *Morse* and *Mitchell*. While there is no indication that the scope of the present matter is anywhere near the over four million deceptive letters distributed by the attorney in *Morse*, the true impact of Respondent's deceptive pictures on her website is difficult to gauge, as the volume of internet traffic going to Respondent's website remains unclear. That said, Respondent's deceptive photographs have remained on her website for public consumption from at least December 2012 to July 8, 2014, the date of trial in this matter.<sup>4</sup>

While the scope of the present matter appears to be more on par with *Mitchell*, the present matter involves significantly more aggravation. Particularly, the court has grave concerns regarding Respondent's demonstrated lack of insight and her contemptuous conduct during these proceedings. Respondent's failure to remove the deceptive images from her website, even after the State Bar brought this issue to her attention, and her demonstrated disregard for the disciplinary process give little reason to believe that her misconduct will not continue.

Accordingly, the court finds that a six-month period of actual suspension is necessary and appropriate to achieve the primary purposes of attorney discipline, most notably public protection.

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<sup>4</sup> There is no indication that these images have since been removed from Respondent's website.

## Recommendations

The court recommends that respondent **Svitlana E. Sangary** be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be placed on probation for a period of three years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first six months of probation.
2. Respondent must also comply with the following additional conditions of probation:
  - i. During the period of probation, Respondent must comply with the State Bar Act and the Rules of Professional Conduct of the State Bar of California.
  - ii. Respondent must submit written quarterly reports to the State Bar's Office of Probation (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 she has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. If the first report will cover less than 30 days, the report must be submitted on the next following quarter date, and cover the extended period.

In addition to all the quarterly reports, a final report, containing the same information is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probationary period.
  - iii. Subject to the assertion of applicable privileges, Respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation, which are directed to her personally or in writing, relating to whether she is complying or has complied with the conditions contained herein.
  - iv. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including Respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, Respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
  - v. Within 30 days after the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with her 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.

- vi. Within one year after the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

- 3. At the expiration of the period of this probation, if Respondent has complied with all the terms of probation, the order of the Supreme Court suspending Respondent from the practice of law for two years will be satisfied and that suspension will be terminated.

**California Rules of Court, Rule 9.20**

It is recommended that Respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

**Multistate Professional Responsibility Examination**

It is recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter, or during the period of Respondent's suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

**Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business

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and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: September \_\_\_\_\_, 2014

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DONALD F. MILES  
Judge of the State Bar Court