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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Sherrie B. McLetchie Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2297 Bar # 85447	Case Number(s): 13-O-13990 - LMA	For Court use only PUBLIC MATTER FILED <i>R</i> DEC 16 2014 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Doron Weinberg 523 Octavia St San Francisco, CA 94102 (415) 431-3472 Bar # 46131	Submitted to: STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: KATHARINE DEMGEN Bar # 135254 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 **July 11, 1988**.
- (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 **12** 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."



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- (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: **four billing cycles immediately following the effective date of the Supreme Court order re 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. **See page 8 of the Attachment to Stipulation.**
- (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 8 of the Attachment to Stipulation.**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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 page 8 of the Attachment to Stipulation.**
- (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. **See Page 8 of the Attachment of Stipulation**
- (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.

(Effective January 1, 2014)

Actual Suspension

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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:

No Prior Discipline. See page 9 of the Attachment to Stipulation.

Restitution. See page 9 of the Attachment to Stipulation.

Emotional/Physical Difficulties. See page 9 of the Attachment to Stipulation.

Good Character. See page 9 of the Attachment to Stipulation.

Pretrial Stipulation. See page 9 of the Attachment to Stipulation.

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 **one year**.

- 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:

(Effective January 1, 2014)

Actual Suspension

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- (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 |

(Effective January 1, 2014)

Actual Suspension

(Do not write above this line.)

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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: KATHARINE DEMGEN

CASE NUMBER: 13-O-13990-LMA

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. 13-O-13990 (Complainant: Jane Yarbrough)

FACTS:

1. In July 2012, respondent was hired to manage the financial affairs of Jane Yarbrough, then approximately 90-years old. On July 23, 2012, respondent and Yarbrough executed a Wells Fargo Bank financial power of attorney form which gave respondent authority to access Yarbrough's linked Wells Fargo savings and checking accounts which were opened on July 23, 2013.

2. Between August 9, 2012, and May 28, 2013, respondent withdrew without authorization from Yarbrough \$7,963.46 for respondent's own use and benefit.

3. Additionally, beginning on August 13, 2012, and continuing through May 13, 2013, respondent entered into a business transaction with Yarbrough, specifically, a series of personal loans from Yarbrough to respondent which totaled \$6,630. The loans were not fair and reasonable to Yarbrough in that the loans were not secured; they were interest-free; no repayment date(s) were specified; Yarbrough was not advised that she could seek the advice of an independent lawyer of her choice; Yarbrough was not given a reasonable opportunity to seek that advice; and Yarbrough did not consent in writing to the terms of the transaction.

4. In August 2012, respondent drafted a will for Yarbrough that named respondent as executor to serve without bond. On August 31, 2012, Yarbrough executed the will.

5. On or about May 28, 2013, Yarbrough's Wells Fargo accounts were closed to block respondent's continued access to them.

6. On July 19, 2013, Thomas Lucas, Yarbrough's newly hired professional fiduciary, first requested on behalf of Yarbrough that respondent provide an accounting of respondent's handling of Yarbrough's funds during the period of time respondent had access to them.

7. Respondent did not provide any form of accounting until June 18, 2014.

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CONCLUSIONS OF LAW:

8. By withdrawing without authority \$7,963.46 from Yarbrough's Wells Fargo accounts for respondent's own use and benefit, respondent breached her fiduciary duty to Yarbrough, thereby committing acts involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

9. By entering into a business transaction with Yarbrough, the terms of which were not fair and reasonable to the client, the terms of which were not fully disclosed and transmitted in writing to the client, the client was not advised in writing that the client could seek the advice of an independent lawyer of the client's choice; the client was not given a reasonable opportunity to seek advice; and the client did not thereafter consent in writing to the terms of the transaction, respondent willfully violated Rules of Professional Conduct, rule 3-300.

10. By not providing any form of accounting until June 18, 2014, respondent failed to render an appropriate accounting to Yarbrough, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

AGGRAVATING CIRCUMSTANCES.

Concealment (Std. 1.5(d)): During the course of the State Bar's investigation, respondent declared under penalty of perjury to the State Bar that she had not represented Yarbrough as an attorney, although, in fact, she drafted a will for Yarbrough.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's misconduct in this one-client matter evidenced multiple acts of wrongdoing both in type of misconduct (breach of fiduciary duty, improper business transaction, and failure to appropriately account), and the number of improper transactions, i.e., numerous withdrawals from Yarbrough's accounts, over a ten-month period.

Harm (Std. 1.5(f)): Respondent's misconduct significantly harmed a vulnerable client. Yarbrough, who is extremely hard of hearing, resides in a rent-subsidized apartment on a fixed income with little savings. Although Yarbrough was eventually made whole financially, she was caused extreme distress by the mishandling of her funds by respondent who was hired to assist Yarbrough with her finances.

MITIGATING CIRCUMSTANCES.

Family Problems: Respondent suffered extreme difficulties in her personal life that were other than emotional or physical in nature. Specifically, respondent's brother was diagnosed with cancer at about the same time Yarbrough's financial fiduciary first requested an accounting from respondent. Respondent's brother died recently.

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ADDITIONAL MITIGATING CIRCUMSTANCES

No Prior Discipline: Respondent has no prior disciplinary history. Respondent was admitted to the practice of law in 1988, 24 years prior before the start of the misconduct herein. Even where the misconduct is serious, an attorney's lengthy period of discipline-free practice may be afforded mitigating weight. (*In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, 106 [Review Department gave mitigating credit for over 12 years of discipline-free practice despite seriousness of misconduct].)

Restitution: Respondent began making restitution payments to Yarbrough on October 12, 2012, prior to the State Bar's receipt of Yarbrough's complaint on July 15, 2013. Thereafter, respondent completed restitution to Yarbrough on June 27, 2014.

Emotional/Physical Difficulties: At the time of the stipulated acts of professional misconduct respondent suffered emotional and physical difficulties which were not the product of any illegal conduct by respondent. Specifically, respondent had suffered a herniated disc and was prescribed medication for that and depression before being hired by Yarbrough. However, because respondent had no medical insurance the financial burden of treatment increased her emotional difficulties. Thereafter, respondent obtained medical insurance, but it did not cover her pre-existing conditions. Shortly before being hired by Yarbrough, respondent suffered a tibial fracture, for which she was also being treated during the misconduct herein. (*In the Matter of Respondent F* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 17, 29 [evidence of extreme emotional stress suffered without expert testimony that difficulties were directly responsible for misconduct taken into account by Review Department].)

Good Character: Respondent's good character is attested to by seven witnesses, both lawyers and non-lawyers. (*In the Matter of Myrdall* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 363, 387 [limited weight given to testimony of three attorneys and three clients who character assessments by three attorneys and three clients hardly constituted a broad range of references from the legal and general communities].)

Pretrial Stipulation: By entering into this stipulation prior to trial respondent has saved the State Bar Court time and resources. Respondent's stipulation to facts, culpability, and discipline is a mitigating circumstance. (*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].)

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 three 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 breach of fiduciary duty amounting to an act of dishonesty. Standard 2.7 provides in pertinent part that "Disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact." Standard 2.4, which applies to respondent's loans from her client, provides in pertinent part that "Suspension is appropriate for improperly entering into a business transaction with a client . . . If the transaction . . . and its terms are unfair or unreasonable to the client, then disbarment or actual suspension is appropriate."

Respondent, who had a fiduciary relationship with the 90-year-old Yarbrough, both took money from Yarbrough for respondent's own use and benefit without Yarbrough's knowledge or permission (\$7,963.46), and accepted a series of unsecured personal loans from Yarbrough (\$6,630) that were not documented in writing and for which there were no repayment provisions. In addition, when respondent's misconduct was discovered and a professional financial fiduciary was hired for Yarbrough and requested an accounting, respondent did not provide any form of accounting of her transactions for 11 months. Because of the range of discipline provided for in standards 2.7 and 2.4, we look at case law for guidance.

In *In the Matter of Conner, supra*, the attorney was found to have violated rule 3-300 by requiring a client to execute a lien to secure increased attorney's fees without advising the client in writing of her right to seek the advice of independent counsel and improperly borrowing \$25,800.80 (there was however a written agreement). In addition, Conner, among other things, collected unconscionable fees and misappropriated approximately \$26,700. The Review Department found moral turpitude in that the client was "vulnerable and emotionally distressed . . . even hospitalized." (*Id.* at 105) As aggravating factors, Conner was found to conceal his misappropriation from the State Bar, display a lack of candor at trial, and demonstrated indifference toward rectification by failing to refund the entire amount he misappropriated. Conner was given mitigation credit for the 12 ½ years of practice before his misconduct commenced, but was disbarred. Here, respondent has 24 years of discipline-free practice before the misconduct started, misappropriated and borrowed less than in *Conner* from a vulnerable client, and has made full restitution to her victim.

As stated above, the primary purposes of discipline are "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.” After consideration of the primary purposes of discipline, balancing of all aggravating and mitigating circumstances (multiple acts of misconduct, concealment, and harm versus family problems, lack of prior discipline over 24 years in practice, restitution, physical and emotional difficulties, good character, and a pretrial stipulation), the type of misconduct at issue, whether the client, public, legal system or profession was harmed, the member’s willingness and ability to conform to ethical responsibilities in the future, a two-year suspension stayed, and two years’ probation conditioned on a one-year actual suspension is an appropriate level of discipline. The protection of the public – particularly respondent’s potential clients – may be adequately protected by actual suspension, rather than disbarment. A one-year actual suspension will require respondent to notify any clients and courts in which she has pending cases of her actual suspension.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 9, 2014, the prosecution costs in this matter are \$5,543. 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

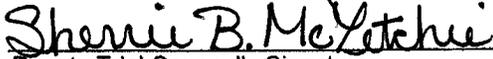
Respondent may not receive Minimum Continuing Legal Education credit for completion of State Bar Ethics School or the Multi-State Professional Responsibility Examination. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: KATHARINE DEMGEN	Case number(s): 13-O-13990 - LMA
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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>12/12/14</u> Date	 Respondent's Signature	<u>Katharine Demgen</u> Print Name
<u>12/12/14</u> Date	 Respondent's Counsel Signature	<u>Doron Weinberg</u> Print Name
<u>12/12/14</u> Date	 Deputy Trial Counsel's Signature	<u>Sherrie B. McLetchie</u> Print Name

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In the Matter of:
KATHARINE DEMGEN

Case Number(s):
13-O-13990 - LMA

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:

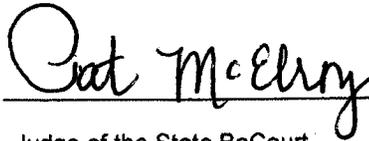
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On page 1 of the Stipulation, in the third box on the right, "Submitted to:" is deleted and in its place is inserted "Submitted to: Settlement Judge".

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.)**

Dec 16, 2014

Date



Judge of the State BaCourt

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 December 16, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

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

DORON WEINBERG
523 OCTAVIA ST
SAN FRANCISCO, CA 94102

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

SHERRIE B. McLETCHE, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 16, 2014.



Bernadette C.O. Molina
Case Administrator
State Bar Court