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PUBLIC MATTER

FILED

OCT 20 2014

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

8
9 STATE BAR COURT
10 HEARING DEPARTMENT - SAN FRANCISCO

11
12 In the Matter of:) Case No. 13-O-16759
13 SARA LYNN SHAFER,)
No. 251533,) NOTICE OF DISCIPLINARY CHARGES
14)
15 A Member of the State Bar)

16 **NOTICE - FAILURE TO RESPOND!**

17 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
18 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
THE STATE BAR COURT TRIAL:

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
21 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;
22 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
23 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
24 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
25 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
26 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**
27 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

28 The State Bar of California alleges:
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JURISDICTION

1. Sara Lynn Shafer ("respondent") was admitted to the practice of law in the State of California on December 3, 2007, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 13-O-16759
Rules of Professional Conduct, rule 4-100(B)(1)
[Failure to Notify of Receipt of Client Funds]

2. In or about September 2010, respondent received on behalf of respondent's client, Bart Thompson, a settlement check from Ford Motor Corporation made payable to respondent and Thompson in the sum of \$77,500. Respondent failed to notify the client of respondent's receipt of funds on the client's behalf until on or about April 13, 2011, in willful violation of Rules of Professional Conduct, rule 4-100(B)(1).

COUNT TWO

Case No. 13-O-16759
Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

3. In or about September 2010, respondent received on behalf of respondent's client, Bart Thompson, a settlement check from Ford Motor Corporation made payable to respondent and Thompson in the sum of \$77,500. On or about September 28, 2010, respondent deposited the \$77,500 into respondent's client trust account at Fresno First Bank account number 10000XXXX on behalf of the client. Of this sum, the client was entitled to at least \$51,045.42. Respondent failed to maintain a balance of \$51,045.42 on behalf of the client in respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

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COUNT THREE

Case No. 13-O-16759
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

4. In or about September 2010, respondent received on behalf of respondent's client, Bart Thompson, a settlement check from Ford Motor Corporation made payable to respondent and Thompson in the sum of \$77,500. On or about September 28, 2010, respondent deposited the \$77,500 into respondent's client trust account at Fresno First Bank account number 10000XXXX on behalf of the client. Between October 12, 2010, and June 22, 2011, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$42,045.42 that respondent's client was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FOUR

Case No. 13-O-16759
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

5. Respondent failed to release promptly, after termination of respondent's employment on or about April 15, 2011, to respondent's client, Bart Thompson, all of the client's papers and property following the client's request for the client's file in or about late 2012, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT FIVE

Case No. 13-O-16759
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

6. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letter of March 11, 2014, and e-mails sent April 10, 2014, and April 30, 2014, which respondent received, that

1 requested respondent's response to the allegations of misconduct being investigated in case no.
2 13-O-16759, in willful violation of Business and Professions Code, section 6068(i).

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
5 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
6 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
7 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
8 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
9 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
10 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
11 RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
14 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
15 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
16 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
17 PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: October 20, 2014 By: Sherrie B. McLetchie
22 Sherrie B. McLetchie
23 Senior Trial Counsel
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DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): 13-O-16759

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 7196 9008 9111 2393 2386 at San Francisco, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to:
Sara Lynn Shafer, Respondent; 2180 Harvard Street, Suite 460 Sacramento, CA 95815; Electronic Address

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: October 20, 2014

SIGNED: [Signature]
Meagan McGowan
Declarant