



ORIGINAL

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State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION		
<p>Counsel For The State Bar</p> <p>Heather E. Abelson Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2357</p> <p>Bar # 243691</p>	<p>Case Number(s): 14-O-01403</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED <i>[Signature]</i></p> <p>OCT 27 2014</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Aliyah Sabreen Abdullah 137 E. Weber Ave Stockton, CA 95202 (209) 939-9133</p> <p>Bar # 282927</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: ALIYAH SABREEN ABDULLAH</p> <p>Bar # 282927</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

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- (1) Respondent is a member of the State Bar of California, admitted **June 5, 2012**.
- (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."

(Effective January 1, 2014)

Stayed Suspension

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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):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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 or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See "Facts Supporting Aggravating Circumstances" in the attachment hereto at page 9.
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.

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(13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

Pre-Filing Stipulation - See "Facts Supporting Mitigating Circumstances" in the attachment hereto at p. 9.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

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- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **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) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ALIYAH SABREEN ABDULLAH

CASE NUMBER: 14-O-01403

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. 14-O-01403 (Complainant: Edward Hardy)

FACTS:

1. On August 15, 2012, Edward Hardy ("Hardy"), respondent's friend and neighbor, retained respondent to represent him in two personal injury matters arising out of an automobile accident which occurred on January 31, 2011, and another automobile accident which occurred on May 7, 2012. Hardy executed a separate retainer agreement for each accident, and paid respondent \$100 cash for each matter.

2. On October 15, 2012, respondent sent two letters of representation to Gallagher Bassett Insurance Company ("Gallagher Bassett") and Horace Mann Insurance Company ("Horace Mann") on behalf of Hardy.

3. On October 17, 2012, respondent obtained a Health Insurance Portability and Accountability Act ("HIPAA") authorization form from Hardy, and requested his medical records.

4. Thereafter, respondent took no additional action on behalf of Hardy with regards to the personal injury matter arising from the May 7, 2012 automobile accident. Hardy ultimately settled his personal injury claim with Horace Mann without respondent's assistance.

5. On January 31, 2013, respondent filed a civil complaint on behalf of Hardy entitled *Hardy v. Lewis*, Stockton Superior Court, case no. 39-2013-00292973-CL-PA-STK (the "civil matter"). The complaint alleged tort claims arising from the January 31, 2011 automobile accident.

6. Thereafter, respondent took no additional actions on behalf of Hardy in the civil matter.

7. Respondent failed to file a proof of service for the complaint, failed to file a Case Management Conference Statement, and failed to appear at a July 1, 2013 Case Management Conference, in the civil matter.

8. On July 1, 2013, following respondent's failure to appear at a Case Management Conference in the civil matter, the court issued an order setting a July 31, 2013 hearing date for an Order to Show Cause re: dismissal as to Plaintiff for failure to file proof of service, failure to file Case Management Statement and failure to appear at July 1, 2013 Case Management Conference ("OSC"). Soon thereafter, respondent received a copy of the order.

9. On July 31, 2013, respondent failed to appear at the OSC hearing. As of this date, respondent had abandoned her representation of Hardy in the civil matter.

10. On July 31, 2013, the court issued an order dismissing the civil matter without prejudice as a result of respondent's failure to appear at the July 31, 2013 OSC hearing.

11. Respondent failed to inform Hardy that she had failed file a proof of service for the complaint, failed to file a Case Management Conference Statement, failed to appear at a July 1, 2013 Case Management Conference, failed to appear at the July 31, 2013 OSC hearing, or that the civil matter had been dismissed without prejudice.

12. On June 14, 2013, Hardy gave respondent a \$400 check as a personal loan.

13. The loan was not fair or reasonable to Hardy.

14. At no time, did respondent advise Hardy in writing that he may seek the advice of an independent lawyer of his choice before entering into the loan with respondent, give Hardy a reasonable opportunity to seek that advice, or thereafter obtain his consent in writing to the terms of the loan.

CONCLUSIONS OF LAW:

15. By failing to engage in settlement discussions with Horace Mann on behalf of Hardy in the personal injury matter arising from the May 7, 2012 automobile accident, or take any action on behalf of Hardy after obtaining the HIPAA authorization form from Hardy on October 17, 2012, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

16. By failing file a proof of service for the complaint, failing to file a Case Management Conference Statement, failing to appear at a July 1, 2013 Case Management Conference, and failing to appear at the July 31, 2013 OSC hearing in the civil matter, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

17. By failing to inform Hardy that respondent had failed to file a proof of service for the complaint, failed to file a Case Management Conference Statement, failed to appear at a July 1, 2013 Case Management Conference, failed to appear at the July 31, 2013 OSC hearing, or that the civil matter had been dismissed without prejudice, respondent failed to keep respondent's client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

18. By failing to take any further actions on behalf of Hardy in the civil matter after filing the complaint on January 31, 2013, and failing to take reasonable steps to avoid reasonably foreseeable prejudice to Hardy, respondent withdrew from employment in a proceeding before a tribunal without its permission, in willful violation of the Rules of Professional Conduct, rule 3-700(A)(1).

19. By failing to comply with the July 1, 2013 OSC in the civil matter, respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the

course of respondent's profession which respondent ought in good faith to do or forbear by, in willful violation of Business and Professions Code, section 6103.

20. By entering into a loan with Hardy when the transaction and its terms were not fair and reasonable to Hardy and without fully disclosing and transmitting in writing the terms of the transaction to Hardy and not obtaining Hardy's written consent, or giving Hardy time to seek independent counsel, respondent entered into a business transaction with a client without complying with the requirements that the transaction or acquisition and its terms were fair and reasonable to the client; the transaction or acquisition and its terms were fully disclosed and transmitted in writing to the client in a manner which should reasonably have been understood by the client; the client was advised in writing that the client may seek the advice of an independent lawyer of the client's choice; the client was given a reasonable opportunity to seek that advice; and the client thereafter consented in writing to the terms of the transaction or acquisition, in wilful violation of Rules of Professional Conduct, rule 3-300.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed 6 acts of misconduct. These multiple acts of misconduct constitute an aggravating circumstance pursuant to Standard 1.5(b).

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to the filing of a Notice of Disciplinary Charges, thereby saving State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156.)

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 Silvertan* (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 six 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 2.8(a), which applies to respondent's violation of Business and Professions Code section 6103. Standard 2.8(a) provides that "[d]isbarment or actual suspension is appropriate for disobedience or violation of a court order related to the member's practice of law, the attorney's oath, or the duties required of an attorney under Business and Professions Code section 6068(a)-(h)."

Here, the facts of this case warrant a downward departure from the Standards to a one-year stayed suspension. Respondent had been licensed to practice law for a mere two months when Hardy first retained her. Further, respondent and Hardy were friends and neighbors which explains, but does not excuse, the lack of formality between them with regards to the \$400 personal loan. As this appears to be a case of a lack of understanding by a new attorney, as opposed to intentional misconduct, a one-year stayed suspension is appropriate. A lesser level of discipline is not warranted as respondent's misconduct is aggravated by multiple acts of misconduct, and is only mitigated by entering into a pre-filing stipulation.

In the Matter of Riordan (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, provides support for a one-year stayed suspension. In *Riordan*, the Review Department recommended a six-month stayed suspension for attorney Riordan's failure to act competently, failure to obey court order, and failure to report judicial sanctions. (*Id.* at 44.) Respondent's three acts of misconduct were aggravated by multiple acts of wrongdoing and harm to the administration of justice. (*Id.* at 48-49.) Riordan's misconduct was mitigated by no prior record of discipline in 17-years of practice, no further misconduct, good character (diminished weight), and cooperation with the State Bar. (*Id.* at 49-51.)

Here, respondent's misconduct is similar to, but more egregious than, attorney Riordan's misconduct. Respondent committed more acts of misconduct than attorney Riordan, and respondent is entitled to substantially less mitigation than attorney Riordan received. Therefore, respondent's misconduct warrants a one-year stayed suspension.

Balancing all of the appropriate factors, a one-year stayed suspension is consistent with Standard 2.8(a) and applicable caselaw, and is appropriate taking into consideration the facts and circumstances of this case.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of October 3, 2014, the prosecution costs in this matter are \$2,992. 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

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: ALIYAH SABREEN ABDULLAH	Case Number(s): 14-O-01403
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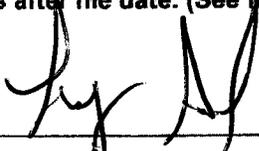
STAYED SUSPENSION ORDER

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.

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.)**

Oct 27, 2014
Date



Judge of the State Bar Court
LUCY ARMENDARIZ

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 October 27, 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:

ALIYAH S. ABDULLAH
137 EAST WEBER AVENUE
STOCKTON, CA 95202

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

HEATHER E. ABELSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 27, 2014.



Bernadette C.O. Molina
Case Administrator
State Bar Court