



**PUBLIC MATTER**

**FILED**

**FEB 12 2016**

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL  
JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
JOSEPH R. CARLUCCI, No. 172309  
DEPUTY CHIEF TRIAL COUNSEL  
GREGORY P. DRESSER, No. 136532  
ASSISTANT CHIEF TRIAL COUNSEL  
ROBERT A. HENDERSON, No. 173205  
SUPERVISING SENIOR TRIAL COUNSEL  
ERICA L.M. DENNINGS, No. 145755  
SENIOR TRIAL COUNSEL  
180 Howard Street  
San Francisco, California 94105-1639  
Telephone: (415) 538-2285

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of: ) Case Nos.: 14-O-05443; 14-O-05527;  
 ) 14-O-05695; 15-O-10708;  
 ) 15-O-11734  
STERLING VOSS HARWOOD, )  
No. 194746, )  
 ) **NOTICE OF DISCIPLINARY CHARGES**  
 )  
A Member of the State Bar. )

**NOTICE - FAILURE TO RESPOND!**

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Sterling Harwood ("respondent") was admitted to the practice of law in the State  
4 of California on April 20, 1998, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-05527

8 Rules of Professional Conduct, rule 4-100(B)(1)  
9 [Failure to Notify of Receipt of Client Funds]

10 2. On or about August 6, 2012, respondent received on behalf of respondent's  
11 client, Dany Sok, a medical payment check from Allstate Insurance Company made payable to  
12 respondent and client in the sum of \$1,000. Respondent failed to notify the client of  
13 respondent's receipt of funds on the client's behalf until November 19, 2014, in willful violation  
14 of Rules of Professional Conduct, rule 4-100(B)(1).

15 COUNT TWO

16 Case No. 14-O-05527

17 Rules of Professional Conduct, rule 4-100(A)  
18 [Failure to Maintain Client Funds in Trust Account]

19 3. On or about August 6, 2012 and May 15, 2013, respondent received on behalf of  
20 respondent's client, Dany Sok, a medical payment check made payable to respondent and client  
21 in the sum of \$1,000 and a settlement check from AAA Insurance Co. made payable to  
22 respondent and client, Savy Keo, in the sum of \$13,700. Shortly after August 6, 2012,  
23 respondent deposited the \$1,000 into respondent's client trust account at Chase Bank, account  
24 number XXXXXX4210<sup>1</sup> on behalf of the client. On or about May 16, 2013, respondent  
25 deposited the \$13,700 into respondent's client trust account at Chase Bank, account number  
26 XXXXXX4210 on behalf of the client. Of the total sum deposited, \$14,700, the client was  
27 entitled to \$9,765.90. Respondent failed to maintain a balance of \$9,765.90 on behalf of the  
28 client in respondent's client trust account, in willful violation of Rules of Professional Conduct,  
rule 4-100(A).

<sup>1</sup> The full account number is redacted for privacy purposes.



1 Sok in that Sok relinquished her rights to any claims against respondent without any  
2 consideration on respondent's behalf and respondent thereby violated Rules of Professional  
3 Conduct, rule 3-300.

4 COUNT SIX

Case No. 14-O-05527

Business and Professions Code, section 6106

[Moral Turpitude - Misrepresentation]

6 7. On or about November 19, 2014, respondent wrote a letter to the State Bar which  
7 he had Dany Sok sign that stated that Dany Sok wanted to withdraw her complaint because  
8 there was a miscommunication between her and respondent and that the case was settled. At the  
9 time he prepared and sent the letter to the State Bar, respondent knew or was grossly negligent  
10 in not knowing the statement(s) were false, and thereby committed an act involving moral  
11 turpitude, dishonesty or corruption in willful violation of Business and Professions Code,  
12 section 6106.

13 COUNT SEVEN

Case No. 14-O-05695

Rules of Professional Conduct, rule 4-100(B)(1)

[Failure to Notify of Receipt of Client Funds]

14 15 8. On or about July 27, 2012 and August 6, 2012, respondent received on behalf of  
16 respondent's client, Savy Keo, medical payment checks from Allstate Insurance Company made  
17 payable to respondent and client in the sum of \$78 and \$922 respectively. On or about May 15,  
18 2013, respondent received on behalf of respondent's client, Savy Keo, a settlement check from  
19 AAA Insurance company made payable to respondent and client in the amount of \$12,200.  
20 Respondent failed to notify the client of respondent's receipt of funds on the client's behalf until  
21 November 19, 2014, in willful violation of Rules of Professional Conduct, rule 4-100(B)(1).

22 COUNT EIGHT

Case No. 14-O-05695

Rules of Professional Conduct, rule 4-100(A)

[Failure to Maintain Client Funds in Trust Account]

23 24 9. On or about July 27, 2012, August 6, 2012, and May 15, 2013, respondent  
25 received on behalf of respondent's client, Savy Keo, medical payment checks made payable to  
26 respondent and client in the sum of \$78 and \$922 and a settlement check from AAA Insurance  
27

1 Co. made payable to respondent and client, Savy Keo, in the sum of \$12, 200. Shortly after July  
2 27, 2012 and August 6, 2012, respondent deposited the \$78 and \$922 checks into respondent's  
3 client trust account at Chase Bank, account number XXXXXX4210 on behalf of the client. On  
4 or about May 28, 2013, respondent deposited the \$12,200 into respondent's client trust account  
5 at Chase Bank, account number XXXXXX4210 on behalf of the client. Of the total sum  
6 deposited, \$13,200, the client was entitled to \$8,749.90. Respondent failed to maintain a balance  
7 of \$8,749.90 on behalf of the client in respondent's client trust account, in willful violation of  
8 Rules of Professional Conduct, rule 4-100(A).

9 COUNT NINE

10 Case No. 14-O-05695

11 Business and Professions Code, section 6106

12 [Moral Turpitude - Misappropriation]

13 10. On or about July 27, 2012, August 6, 2012, and May 15, 2013, respondent  
14 received on behalf of respondent's client, Savy Keo, medical payment checks made payable to  
15 respondent and client in the sum of \$78 and \$922 and a settlement check from AAA Insurance  
16 Co. made payable to respondent and Client in the sum of \$12,200. Shortly after July 27, 2012  
17 and August 6, 2012, respondent deposited the \$78 and \$922 checks into respondent's client trust  
18 account at Chase Bank, account number XXXXXX4210 on behalf of the client. On or about  
19 May 28, 2013, respondent deposited the \$12,200 into respondent's client trust account at Chase  
20 Bank, account number XXXXXX4210 on behalf of the client. Between on or about May 28,  
21 2013 and November 15, 2013, respondent dishonestly or grossly negligently misappropriated  
22 for respondent's own purposes \$8,749.90 that respondent's client, Savy Keo, was entitled to  
23 receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in  
24 willful violation of Business and Professions Code, section 6106.

25 COUNT TEN

26 Case No. 14-O-05695

27 Business and Professions Code, section 6090.5(a)(2)

28 [Attorney/Client Agreement Not to File Complaint]

11. On or about October 14, 2014, Savy Keo filed a complaint against respondent  
with the State Bar of California. On or about November 19, 2014, respondent sought an

1 agreement from Savy Keo that Savy Keo shall withdraw a disciplinary complaint or shall not  
2 cooperate with the investigation or prosecution conducted by the State Bar in willful violation  
3 of Business and Professions Code, section 6090.5(a)(2).

4 COUNT ELEVEN

5 Case No. 14-O-05695

6 Rules of Professional Conduct, rule 3-300

7 [Acquiring Interest Adverse to Client]

8 12. On or about November 19, 2014, respondent acquired an interest adverse to  
9 respondent's client, Savy Keo, specifically, obtaining a General Release of All Claims.  
10 Respondent acquired the adverse interest on terms which were not fair and reasonable to Savy  
11 Keo in that Keo relinquished her rights to any claims against respondent without any  
12 consideration on respondent's behalf and respondent thereby violated Rules of Professional  
13 Conduct, rule 3-300.

14 COUNT TWELVE

15 Case No. 14-O-05695

16 Business and Professions Code, section 6106

17 [Moral Turpitude - Misrepresentation]

18 13. On or about November 19, 2014, respondent prepared a letter to the State Bar,  
19 which he had his client, Savy Keo sign, in which he stated that Savy Keo wanted to withdraw  
20 her complaint because there was a miscommunication with respondent and that the case was  
21 settled. At the time he prepared and sent the letter to the State Bar, respondent knew or was  
22 grossly negligent in not knowing the statement(s) were false, and thereby committed an act  
23 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
24 Professions Code, section 6106.

25 //

26 //

27 //

28 //

//

//



1 client, Chung Nguyen, was entitled to receive, and thereby committed an act involving moral  
2 turpitude, dishonesty or corruption in willful violation of Business and Professions Code,  
3 section 6106.

4 COUNT SIXTEEN

Case No. 15-O-11734

Business and Professions Code, section 6106

[Moral Turpitude-Misrepresentation]

6 17. On or about June 5, 2015, respondent stated in writing to the State Bar  
7 investigator that he had made a loan to his client, Chung Nguyen, in the amount of \$2,000 when  
8 respondent knew or was grossly negligent in not knowing the statement was false, and thereby  
9 committed an act involving moral turpitude, dishonesty or corruption in willful violation of  
10 Business and Professions Code, section 6106.

11 COUNT SEVENTEEN

Case No. 15-O-10708

Business and Professions Code, section 6106

[Moral Turpitude - Misappropriation]

13 18. On or about December 4, 2012 respondent received from respondent's client,  
14 Binh Nguyen, a check for costs in the amount of \$1,500. On or about December 5, 2012  
15 respondent deposited the \$1,500 check into respondent's general operating account at Wells  
16 Fargo Bank. Thereafter, respondent dishonestly or grossly negligently misappropriated for  
17 respondent's own purposes \$1,500 of respondent's client's money and thereby committed an act  
18 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
19 Professions Code, section 6106.

20 COUNT EIGHTEEN

Case No. 15-O-10708

Rules of Professional Conduct, rule 3-110(A)

[Failure to Perform with Competence]

22 19. On or about May 3, 2012, Binh Nguyen employed respondent to perform legal  
23 services, namely to represent him in a medical malpractice/wrongful death case, which  
24 respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful  
25 violation of Rules of Professional Conduct, rule 3-110(A), by failing to take any steps to pursue  
26 the action including not filing a complaint and not hiring a medical expert.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT NINETEEN

Case No. 14-O-05443

Rules of Professional Conduct, rule 3-110(A)

[Failure to Perform with Competence]

20. On or about October 21, 2011, Moon Nguyet Nguyen employed respondent to perform legal services, namely to substitute into and represent her in a pending personal injury lawsuit which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to conduct discovery and failing to obtain a medical expert.

COUNT TWENTY

Case No. 14-O-05443

Rules of Professional Conduct, rule 3-300

[Business Transaction with a Client]

21. On or about January 28, 2014, respondent entered into a business transaction with a client, Moon Nguyet Nguyen, specifically entering into a Settlement Agreement for his liability for failing to handle her personal injury case properly. The terms of the agreement were not fair and reasonable to the client in that respondent offered to settle any claims client had against him for \$8,000, but only paid client \$685 on January 28, 2016, and respondent thereby violated Rules of Professional Conduct, rule 3-300.

NOTICE - INACTIVE ENROLLMENT!

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

//  
//  
//  
//  
//  
//  
//

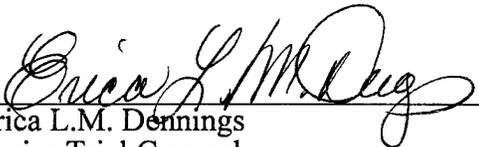
**NOTICE - COST ASSESSMENT!**

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: February 12, 2016

By:   
Erica L.M. Dennings  
Senior Trial Counsel

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBERS: 14-O-05443; 14-O-05527; 14-O-05695; 15-O-10708; 15-O-11734

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))

- 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 U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



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") Next Day Air / Worldwide Express.



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.: 9414 7266 9904 2042 4860 90 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)

| Person Served       | Business-Residential Address   | Fax Number                               | Courtesy Copy to: |
|---------------------|--|--|-------------------|
| Sterling V. Harwood | Law Ofc Sterling Harwood<br>96 N 3rd St., Ste. 550<br>San Jose, CA 95112 |  |                   |
|                     |  | Electronic Address<br>svharwood1@aol.com |                   |

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: February 12, 2016

SIGNED:

Paula H. D'Oyen

Paula H. D'Oyen  
Declarant