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State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION		
Counsel For The State Bar Heather E. Abelson Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2357 Bar # 243691	Case Number(s): 15-C-12685-LMA	For Court use only PUBLIC MATTER FILED  MAY 16 2016 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Alison P. Buchanan Hoge Fenton Jones & Appel 60 South Market Street, Suite 1400 San Jose, CA 95113 (408) 947-2415 Bar # 215710	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: SARAH ELIZABETH SCHUMACHER Bar # 282341 A Member of the State Bar of California (Respondent)	STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 **April 16, 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 **13** 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 July 1, 2015)

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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(h) & 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) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) ☐ **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..

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- (8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☐ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4) ☒ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. **See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 10.**
- (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 objectively 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.

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- (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. **See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 10.**
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

Pre-trial Stipulation- See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 10.

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 fitness to practice and present learning and ability in the general 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 **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.)

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.
- (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 checked="" 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:**

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In the Matter of: SARAH ELIZABETH SCHUMACHER	Case Number(s): 15-C-12685-LMA
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Substance Abuse Conditions

- a. ☒ Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. ☒ Respondent must attend at least two meetings per month of:
- ☐ Alcoholics Anonymous
 - ☐ Narcotics Anonymous
 - ☐ The Other Bar
 - ☒ Other program See below

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

- c. ☐ Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. ☐ Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. ☒ Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

Respondent recognizes that the facts and circumstances underlying her conviction suggest an alcohol and/or drug problem that needs to be addressed before it affects respondent's legal practice. Respondent agrees to take the steps necessary to control the use of alcohol and/or drugs such that it will not affect respondent's law practice in the future. Respondent's agreement to participate in an abstinence-based self-

help group (as defined herein), as a condition of discipline, is part of respondent's efforts to address such concerns.

As a condition of probation, and during the period of probation, respondent must attend a minimum of two (2) meetings per month of any abstinence-based self-help group of respondent's choosing, including without limitation Alcoholics Anonymous, Narcotics Anonymous, LifeRing, S.M.A.R.T., S.O.S., etc. Other self-help maintenance programs are acceptable if they include a subculture to support recovery, including abstinence-based group meetings. (See O'Conner v. Calif. (C.D. Calif. 1994) 855 F. Supp. 303 [no First Amendment violation where probationer given choice between AA and secular program.]) Respondent is encouraged, but not required, to obtain a "sponsor" during the term of participation in these meetings.

The program called "Moderation Management" is not acceptable because it is not abstinence-based and allows the participant to continue consuming alcohol.

Respondent must contact the Office of Probation and obtain written approval for the program respondent has selected prior to attending the first self-help group meeting. If respondent wants to change groups, respondent must first obtain the Office of Probation's written approval prior to attending a meeting with the new self-help group.

Respondent must provide to the Office of Probation satisfactory proof of attendance of the meetings set forth herein with each Quarterly Report submitted to the Office of Probation. Respondent may not sign as the verifier of her own attendance.

Respondent is encouraged, but is not required, to participate in the Lawyers' Assistance Program.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: SARAH ELIZABETH SCHUMACHER

CASE NUMBER: 15-C-12685-LMA

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which she was convicted involved other misconduct warranting discipline.

Case No. 15-C-12685-LMA (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. On April 10, 2015, the Kern County District Attorney filed a criminal complaint in the Kern County Superior Court, case no. BM861166A, charging respondent with one count of violation of Vehicle Code section 23152(a) [Driving While Under the Influence of Alcohol], a misdemeanor, and one count of violation of Vehicle Code section 23152(b) [Driving While Having 0.08% or More Blood Alcohol Level], a misdemeanor. The complaint further alleged that respondent had been previously convicted of a violation of Vehicle Code section 23152 on September 2, 2010.

3. On October 16, 2015, the court entered respondent's plea of nolo contendere to the count of violation of Vehicle Code section 23152(a) [Driving While Under the Influence of Alcohol], a misdemeanor, and based thereon, the court found respondent guilty of that count. Respondent also admitted the prior conviction for violation of Vehicle Code section 23152. Pursuant to a plea agreement, the court dismissed the remaining count in the furtherance of justice.

4. On October 16, 2015, the court sentenced respondent to three years informal probation, and 45 days in jail, with credit for 4 days served. The court referred respondent to a work release program to serve her jail time. The court also ordered respondent to pay a fine of \$2,018, and a separate restitution fine of \$150, payment of which was stayed. The court further ordered respondent to, among other conditions, participate in a victim impact panel, be subject to monitoring by Mothers Against Drunk Driving, and to install an ignition interlock device on her vehicle.

5. On March 18, 2016, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

Respondent's 1st DUI Conviction

6. On May 13, 2010, respondent unlawfully drove her vehicle while under the influence of alcohol.

7. On May 13, 2010, a CHP officer in his police cruiser noticed respondent weaving from side to side on the Ventura Freeway, and attempted to pull respondent over. Respondent did not initially stop her car, but rather accelerated and continued to drive. The CHP officer spoke to respondent over the public address system and told her to pull over. Respondent began to lose control of the vehicle and eventually pulled over as instructed.

8. As the CHP officer approached respondent, the officer immediately detected the smell of alcohol emitting from respondent's vehicle, and noted that respondent's eyes were glassy and watery.

9. The CHP officer had respondent perform field sobriety tests, which respondent failed to pass.

10. Respondent was given a breath test via a preliminary alcohol screening device. Respondent's blood alcohol content was measured at .13%.

11. Respondent was then arrested and booked into Van Nuys jail for violating Vehicle Code section 23152(a).

12. On May 27, 2010, a misdemeanor complaint was filed against respondent in Los Angeles Superior Court, alleging violations of Vehicle Code sections 23152(a) and (b). On September 2, 2010, respondent pled to and was convicted of violating California Vehicle Code section 23152(b) [Driving While Having 0.08% or More Blood Alcohol Level]. Respondent was sentenced to 2 days in jail, with credit for 2 days, and 3-years probation. Respondent was also ordered to pay fines and fees in the amount of \$1,642, ordered to complete the Hospital and Morgue Program, and ordered to complete a first time offender's program.

Respondent's 2nd DUI Conviction

13. On March 23, 2015, respondent unlawfully drove her vehicle while under the influence of alcohol.

14. On March 23, 2015, at approximately 6:25 p.m., CHP responded to a call of a single vehicle collision in a ravine at SR-43 and Whisler Road in Kern County.

15. When the CHP Officer arrived at the scene of the accident, the officer found respondent's vehicle in a ravine, and was told that respondent had been transported to Kern Medical Center. The CHP officer found a near empty bottle of Smirnov vodka on the passenger seat of the vehicle. The officer noted that respondent's vehicle suffered significant damage, including a dislodged front fender, crumpled bumpers, shattered windshield and buckled hood.

16. The CHP officer interviewed two witnesses at the scene. Witness #1 stated that respondent's car was weaving and traveling off the roadway before the accident. Witness #1 also saw respondent's vehicle go into the ravine, and thereafter went to aid respondent. Witness #2 stated that respondent appeared to be driving at approximately 65-70 mph, drove through a stop sign, and then flew into the

ravine. Witness #2 also stated that respondent's head fell back just before the accident as if she had fallen asleep. Witness #2 also helped respondent prior to emergency crews responding to the accident.

17. The CHP officer then went to Kern Medical Center to interview respondent. During the interview, the CHP officer detected a strong odor of alcohol emitting from respondent, and noted that respondent had watery/glassy eyes and slurred speech. Because respondent was injured, no field sobriety tests were performed. The officer then placed respondent under arrest for violating Vehicle Code sections 23152(a) and (b). Respondent then submitted to a blood test, and remained in the hospital due to her injuries which included a broken tailbone and ankle. Respondent's blood alcohol content was tested at .198 +/- 0.007.

CONCLUSIONS OF LAW:

18. The facts and circumstances surrounding the above-described violation(s) did not involve moral turpitude but did involve other misconduct warranting discipline.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Extraordinary Good Character (Std. 1.6(f)): Respondent provided 14 character reference letters from a wide range of references in the legal and general communities, who are aware of the full extent of respondent's misconduct. Respondent's good character constitutes a mitigating circumstance pursuant to Standard 1.6(f).

Remorse (Std. 1.6(g)): In addition to completing all court ordered treatment for alcoholism, respondent voluntarily participated in Alcoholics Anonymous and the Lawyers' Assistance Program, thereby demonstrating remorse and recognition of wrongdoing. Respondent's demonstrated remorse constitutes a mitigating circumstance pursuant to Standard 1.6(g).

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*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 Silverton* (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).)

Here, respondent's misconduct does not involve moral turpitude, but does warrant discipline. *See e.g., In re Kelley* (1990) 52 Cal.3d 487 (finding that a second and subsequent DUI conviction warranted discipline). Because respondent's misconduct did not involve moral turpitude, Standard 2.16(b) applies. Standard 2.16(b) provides that "[s]uspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude, but involving other misconduct warranting discipline." Here, respondent's conduct warrants a 1-year stayed suspension. A lower level of discipline is not warranted because, in respondent's second DUI, respondent's blood alcohol content was quite high (.198 +/- 0.007), and led to respondent getting into a single-car accident which resulted in serious injuries to respondent. Further, in respondent's first DUI, respondent failed to pull over for CHP for several minutes. A higher level of discipline is not warranted because respondent's misconduct is mitigated by a pretrial stipulation, good character, and the fact that respondent demonstrated remorse and recognition of wrongdoing by voluntarily enrolling in the Lawyers' Assistance Program and Alcoholics Anonymous.

In re Kelley supports a one-year stayed suspension in this matter. In *Kelley*, attorney Kelley was convicted of a second DUI, only 36 months after, and while still on probation for, her first DUI conviction. *Id.* at 491-492. Kelley had driven her car into an embankment while under the influence of alcohol, which led to her first DUI conviction. *Id.* at 491. Kelley's blood alcohol content was above .10% in her first DUI, and between .16 and .17% in her second DUI. *Id.* The court found that Kelley's conduct did not involve moral turpitude, but that her "repeated criminal conduct calls into question her judgment and fitness to practice law in the absence of disciplinary conditions designed to prevent recurrence of such conduct." *Id.* at 490-491. The Supreme Court found substantial mitigation including no prior discipline, cooperation throughout the disciplinary proceeding and extensive involvement in community service. *Id.* at 498. The Supreme Court held that a public reproof, referral to the Alcohol Abuse Program, and three years of probation was sufficient discipline to protect the public. *Id.* at 499.

Here, although respondent did not violate the terms of her probation from her first DUI, the other facts and circumstances surrounding her two DUI convictions are more serious than the facts and circumstances surrounding attorney Kelley's convictions. In respondent's first DUI, she refused to stop for CHP for several minutes. In respondent's second DUI, her blood alcohol content was higher than attorney Kelley's blood alcohol content, and respondent got into a serious single-car accident which caused serious injuries to respondent. Respondent's mitigation is also less compelling than the mitigation attorney Kelley was given. Based on these facts, respondent's misconduct warrants a higher level of discipline than the public reproof which was recommended, and ultimately ordered, for attorney Kelley.

Based on the facts and circumstances, Standard 2.16(b) and *Kelley*, respondent's misconduct warrants a 1-year stayed suspension and 2-years probation with substance abuse conditions.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of May 4, 2016, the prosecution costs in this matter are \$2,567. 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 MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

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

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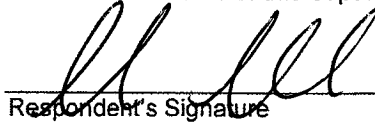
In the Matter of: SARAH ELIZABETH SCHUMACHER	Case number(s): 15-C-12685-LMA
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SIGNATURE OF THE PARTIES

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.

5/8/16

Date



Respondent's Signature

Sarah Elizabeth Schumacher

Print Name

Date

Respondent's Counsel Signature

Alison P. Buchanan

Print Name

Date

Deputy Trial Counsel's Signature

Heather E. Abelson

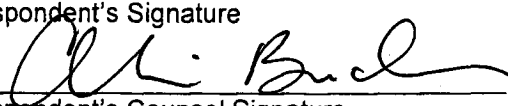
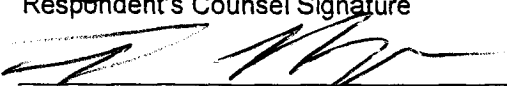
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Date	Respondent's Signature	Sarah Elizabeth Schumacher
5/9/16		Print Name
Date	Respondent's Counsel Signature	Alison P. Buchanan
5/12/16		Print Name
Date	Deputy Trial Counsel's Signature	Heather E. Abelson
		Print Name

(Do not write above this line.)

In the Matter of: SARAH ELIZABETH SCHUMACHER	Case Number(s): 15-C-12685-LMA
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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.

1. On page 1 of the stipulation, paragraph A(3), "The stipulation consists of 13 pages, not including the order" is deleted, and in its place is inserted "The stipulation consists of 14 pages, not including the order."

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.)**

Date

May 16, 2016


LUCY ARMENDARIZ
Judge of the State Bar Court

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 May 16, 2016, 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:

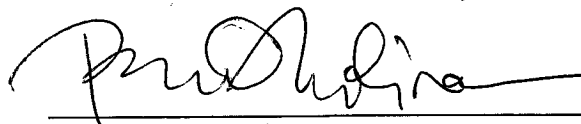
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

ALISON P. BUCHANAN
HOGE FENTON JONES & APPEL, INC
60 S MARKET ST #1400
SAN JOSE, CA 95113

- ☒ 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 May 16, 2016.



Bernadette Molina
Case Administrator
State Bar Court