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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Esther J. Rogers Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2258 Bar # 148246	Case Number(s): 15-O-12102-PEM; 15-O-14712; 15-O-15503; 15-O-15537; 16-O-10279; 16-O-10519	For Court use only PUBLIC MATTER FILED  AUG 24 2016 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Sarah Hembrow Law Office of Sarah G. Hembrow 1400 N Dutton Ave Ste 21 Santa Rosa, CA 95401 Bar # 175303	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: SARAH HEMBROW Bar # 175303 A Member of the State Bar of California (Respondent)		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 20, 1994**.
- (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 **18** 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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of the Supreme Court order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(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.
- (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. See Attachment to Stipulation, at p.15.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☒ **Restitution:** Respondent failed to make restitution. See Attachment to Stipulation, at p. 15.
- (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.
- (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.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No Prior Discipline - See Attachment to Stipulation, at p. 15.
Pretrial Stipulation - See Attachment to Stipulation, at p. 15.

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **two years**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and 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:
- (b) ☐ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

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

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **one year**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and 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:

E. Additional Conditions of Probation:

- (1) ☒ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

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(10) ☒ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

☐ Medical Conditions

☒ 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

☐ No MPRE recommended. Reason:

(2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:

(5) ☐ **Other Conditions:**

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In the Matter of: SARAH HEMBROW	Case Number(s): 15-O-12102-PEM; 15-O-14712; 15-O-15503; 15-O-15537; 16-O-10279; 16-O-10519
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Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Chris Dunia	\$1,850	April 1, 2015
Shannon Staebler	\$1,300	February 1, 2015
Kelly Waller	\$700	June 1, 2014
See Attachment to Stipulation at p. 17 for Further Restitution		

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **One year following the effective date of the Supreme Court order in this matter**.

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ 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.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☐ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

SARAH HEMBROW

CASE NUMBERS:

15-O-12102-PEM; 15-O-14712; 15-O-15503; 15-O-15537;
16-O-10279; 16-O-10519

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. 15-O-12102 (Complainant: Brenda Fox)

FACTS:

1. Prior to October 2013, respondent was employed as an attorney with the Wine Country Family Law and Bankruptcy law firm. In October 2013, Brenda Fox ("Fox") hired respondent to represent her in a dissolution of marriage matter. Fox paid \$2,000 in advanced fees to the Wine Country law firm.
2. Fox and her estranged husband, Steven Schuldt, amicably separated and had drafted a Marital Settlement Agreement ("MSA"). Fox hired respondent to finalize the divorce. In November 2013, respondent filed a Petition for Dissolution on Fox's behalf: *In RE: Marriage of Fox and Schuldt*, Sonoma County Superior Court, case no. SFL-064949.
3. In April 2014, Fox and her husband provided the finalized MSA to respondent, who agreed to file it with the Court so that Fox could obtain a Notice of Entry of Judgment of Dissolution. Thereafter, respondent failed to file the MSA and other documentation to finalize the dissolution.
4. In September 2014, respondent informed Fox that respondent would personally file the documents necessary to finalize the divorce, and represented to Fox that the divorce would be finalized in approximately six weeks, and prior to the end of 2014. Fox emphasized to respondent that it was important to Fox to have the divorce finalized before year's end so as to avoid tax complications and because Fox wanted to move on.
5. Between September 2014 and March 2015, Fox sent text messages, left voicemail messages and sent respondent approximately 18 emails, asking respondent to provide Fox with a status update. Respondent failed to respond to most of Fox's communications. However, when Fox was able to speak with respondent, respondent represented to Fox that she had submitted the necessary paperwork, that respondent was in contact with the court, and that the court had not yet issued the final judgment. In truth and in fact, respondent had not filed any documentation and had made no contact with the court. Respondent made misrepresentations to Fox when she claimed that it was the court's delay, not respondent's, that was holding up the final judgment.

6. On March 15, 2015, respondent claimed she located the unfiled documentation in one of the office's files. On March 18, 2015, Fox called the court directly and discovered that respondent had not filed any paperwork to finalize the divorce. Thereafter, Fox called the Wine Country Law Firm, and spoke to its owner, attorney Lindsay Torgerson. On March 26, 2015, Torgerson arranged for the necessary documentation to be filed, and on April 13, 2015, the court issued a Dissolution Judgment. The Wine Country Law Firm completed the matter for Fox, so Fox received the services for which she paid.

CONCLUSIONS OF LAW:

7. By failing to file with the court the necessary papers so that Fox could receive a Notice of Entry of Judgment of Dissolution, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

8. By failing to respond promptly to 18 written reasonable status inquiries made by respondent's client, Brenda Fox, between September 2014 and March 2015, that respondent received in a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

9. By stating to Brenda Fox, between in or about December, 2014 and in or about March, 2015, that respondent had submitted the necessary paperwork, that respondent was in contact with the court, and that the court had not yet issued the final judgment, when respondent was grossly negligent in not knowing the statements were false, respondent committed an act involving dishonesty in willful violation of Business and Professions Code, section 6106.

Case No. 15-O-14712 (Complainant: Chris Dunia)

FACTS:

10. Prior to October 2012, Ms. Chris Dunia ("Dunia") hired respondent as a consultant to assist with the divorce process and paid \$2,000 in advanced fees. In October 2012, Dunia and her estranged husband participated in a mediation to resolve issues surrounding their divorce. Dunia met with respondent two times to complete the necessary paperwork. However, respondent failed to perform all of the services for which she was hired.

11. In March and April 2015, Dunia requested on approximately 25 occasions that respondent return Dunia's client file and refund the advanced fees that Dunia paid respondent. Respondent received the requests, but failed to respond to them, failed to immediately return Dunia's client file and failed to refund the advanced fees.

12. In approximately June 2015, respondent returned Dunia's client file. To date, respondent has failed to return any portion of the advanced fees respondent received. Respondent owes Dunia the return of \$1,850 in advanced fees.

CONCLUSIONS OF LAW:

13. By failing to release promptly, after termination of respondent's employment in or about March, 2015, to respondent's client, Chris Dunia, all of the client's papers and property following the

client's request for the client's file on approximately 25 occasions in March and April, 2015, respondent willfully violated of Rules of Professional Conduct, rule 3-700(D)(1).

14. By failing to refund promptly, upon respondent's termination of employment in or about March, 2015, \$1,850 to the client, Chris Dunia, which the client paid in advanced fees, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

15. By failing to respond promptly to approximately 25 written reasonable status inquiries made by respondent's client, Chris Dunia, between March and April, 2015, that respondent received in a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

Case No. 15-O-15503 (Complainant: Shannon Staebler)

FACTS:

16. In May 2014, Shannon Staebler ("Staebler") hired respondent to substitute in as counsel in her pending child custody matter, *Staebler v. Ward*, Mendicino County Superior Court, Case no. UK-CV-SP-11-0059123-000. Staebler paid respondent \$1,300 in advanced fees and provided respondent with original documents pertaining to the child custody matter.

17. On May 1, 2014, respondent appeared on Staebler's behalf at a status conference and represented to the court that she would be filing a substitution of attorney. At the status conference, the court set an evidentiary hearing for July 16, 2014. On July 16, 2014, the court continued the evidentiary hearing to September 11, 2014, because respondent reported that she had a family emergency. On September 11, 2014, respondent appeared for the evidentiary hearing, which the court continued because the parties were waiting for a supplemental report. The matter was continued to November 5, 2014.

18. On November 5, 2014, the matter was continued to January 29, 2015.

19. On January 29, 2015, respondent failed to appear at the evidentiary hearing because respondent reported that she was ill. Respondent failed to provide any services to Staebler and earned none of the advanced fees she received.

20. In February 2015, respondent wrote Staebler an email stating that respondent could no longer work on Staebler's matter. Between approximately February 2015 and March 2015, Staebler requested that respondent refund the advanced fees she paid respondent and return her client file. Respondent received the requests, but failed to respond and failed to provide a refund or return Staebler's client file.

CONCLUSIONS OF LAW:

21. By failing to move the client's case forward and by failing to appear at an evidentiary hearing on January 29, 2015, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

22. By failing to release promptly, after termination of respondent's employment on or about February 22, 2015, to respondent's client, Shannon Staebler, all of the client's papers and property following the client's request for the client's file on April 6, 2015, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(1).

23. By failing to refund promptly, upon respondent's termination of employment on or about February 22, 2015, the \$1,300 to her client, Shannon Staebler, which the client paid in advanced fees, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 15-O-15537 (Complainant: Kelly Waller)

FACTS:

24. In May 2013, Kelly Waller ("Waller") hired respondent to pursue a contempt matter against her ex-husband and paid respondent advanced fees of \$1,400. In October 2013, Waller hired respondent to seek a modification of her child custody arrangement and paid respondent \$2,000 in advanced fees.

25. Starting in approximately December 2013, Waller sent respondent texts and emails requesting that respondent provide Waller with a status update on her matter. Respondent responded to the messages by indicating that respondent was working on Waller's matters.

26. In January 2014, Waller confronted respondent about respondent's failure to provide any services. Respondent indicated that respondent would continue to work on her matters and obtain a court date to present Waller's arguments to the court. Between January and April 2014, Waller gathered the documentation necessary to pursue both the contempt and modification matters. In April 2014, respondent sent Waller an email indicating that respondent would be substituting out of Waller's matters, but would draft a motion before doing so. However, respondent failed to draft a motion. Thereafter, respondent failed to perform any services for Waller.

27. In June 2014, Waller sent respondent a request for a refund of the advanced fees she paid respondent, since respondent had failed to perform any services. In response, respondent sent Waller an email on July 1, 2014, promising to reimburse Waller the \$3,400 Waller paid respondent in advanced fees. Between approximately August 2014 and January 2015, respondent refunded \$2,700 to Waller. Thus, respondent continues to owe Waller an additional \$700.

CONCLUSIONS OF LAW:

28. By failing to file for contempt against Waller's ex-husband, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

29. By failing to file a motion seeking a modification of Waller's child custody arrangements, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

30. By failing to refund promptly, upon respondent's termination of employment on or about February 22, 2014, all of the \$1,400 fee to her client, which the client paid in advanced fees to file for contempt against Waller's ex-husband, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

31. By failing to refund promptly, upon respondent's termination of employment on or about April 22, 2014, all of the \$2,000 fee to the client, which the client paid in advanced fees to seek a

modification of her child custody arrangements, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 16-O-10279 (Complainant: James C. Porter)

FACTS:

32. On August 1, 2015, James Porter ("Porter") hired respondent to represent him regarding a pending civil restraining order issued against Porter. At the time Porter hired respondent, he provided her with his original documents. On August 25, 2015, Porter paid respondent \$2,000 in advanced fees. Thereafter, Porter had difficulty communicating with respondent. Between approximately September 20, 2015 and October 20, 2015, respondent promised to provide Porter with a draft of a motion to dismiss the civil matter. However, respondent failed to prepare the motion to dismiss.

33. On October 20, 2015, respondent met in person with Porter, where respondent promised she would provide Porter with a draft of the motion to dismiss or else she would refund the \$2,000 Porter paid in advanced fees by the following day. On October 22, 2015, respondent sent Porter an email indicating that it was clear "we are unable to work together," and that she was ceasing any work on his matter. Respondent stated that she would provide him, by November 5, with a bill and accounting and with the a draft of the extensive documents she prepared, and with his client file. Thereafter, respondent failed to perform any services and failed to respond to Porter's request for a copy of his file and the refund of the advanced fee.

CONCLUSIONS OF LAW:

34. By failing to file a motion to dismiss the pending civil restraining order, or take any further action on behalf of James Porter, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

35. By failing to refund promptly, upon respondent's termination of employment on or about October 22, 2015, all of the \$2,000 fee to the client, James Porter, which the client paid in advanced fees to seek a motion to dismiss a pending civil restraining order, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

36. By failing to release promptly, after termination of respondent's employment on or about October 22, 2015, to respondent's client, James Porter, all of the client's papers and property following the client's request for the client's file on November 5, 2015, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(1).

Case No. 16-O-10519 (Complainant: Roy Mirador)

FACTS:

37. Prior to May 2015, Roy Mirador ("Mirador") and his partner Michael Talento ("Talento") had arranged to adopt a baby from the birth mother, whose expected due date was in June 2015. On May 8, 2015, Mirador and Talento hired respondent to complete the adoption process. Respondent charged Mirador a flat-fee of \$4,000, of which Mirador paid \$3,500. In May 2015, the birth mother contacted Mirador to inform him that she had not yet received any documentation from respondent. On June 20, 2015, immediately after the baby boy was born, Mirador contacted respondent so that she could

timely complete the adoption paperwork, including the Adoption Form 200. Thereafter, respondent failed to submit the proper paperwork.

38. On August 13, 2015, the Department of Social Services ("DSS") sent Mirador a certified letter notifying Mirador that because it had not received the Adoption Form 200, the baby may need to be transferred to foster care. On August 19, 2015, respondent provided Mirador with the Adoption Form 200 and instructed him to sign it and return it to her so that she could submit it to the court. On August 28, 2015, Mirador sent respondent a text requesting that respondent send via facsimile a copy of the Adoption Form 200 to the court so that the adoption could be completed. On August 31, 2015, Mirador sent respondent, and respondent received, another text informing her that the court had not yet received the form.

39. On September 16, 2015, Mirador sent respondent a text message informing her that DSS was attempting to contact respondent, but respondent had failed to respond to DSS. In response, respondent assured Mirador that she would take care of it.

40. On September 25, 2015, Mirador sent respondent a text indicating that the court had not yet received the Adoption Form 200. In response, respondent informed Mirador that she had sent the form to the wrong address, but she would send it to the correct address. On October 4, 2015, respondent informed Mirador that the court had not yet received the form, so she needed to obtain his signature on a new form so she could hand deliver it to the court. On October 6 and 7, 2015, Mirador sent respondent a text requesting that she confirm that she filed the Adoption Form 200 with the court. Respondent received the texts, but failed to respond to the them.

41. On October 13, 2015, Mirador informed respondent that the court had received the form she submitted, but the court rejected the form because she used an outdated version of the form. That same day, respondent sent Mirador an email indicating that she took full responsibility for submitting an outdated version of the form and that she would understand if Mirador and Talento wanted to complete the adoption themselves. Thereafter, Mirador and Talento represented themselves in pro per and successfully completed the adoption.

42. On November 1, 2015, respondent sent Mirador and Talento an invoice indicating that they owed her \$2,015. The invoice failed to provide a credit for the \$3,500 respondent received in advanced fees. Respondent earned only a portion of the advanced fees she collected since she failed to submit proper documentation to the court and DSS and failed to finalize the adoption. Although Mirador has requested that respondent return the undisputed portion of \$1,485, respondent has failed to do so. Respondent owes Mirador and Talento a refund of all the advanced fees they paid her since the services she did provide resulted in little benefit to Mirador and Talento.

CONCLUSIONS OF LAW:

43. By failing to prepare or file the necessary adoption paperwork with the court or the Department of Social Services for clients Roy Mirador and Michael Talento, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

44. By failing to refund promptly, upon respondent's termination of employment on or about October 13, 2015, all of the \$3,500 fee to the clients, Roy Mirador and Michael Talento, which the

clients paid in advanced fees for respondent to prepare and file the necessary adoption paperwork with the court or the Department of Social Services, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent engaged in 16 separate acts of misconduct involving six clients, which constitutes multiple acts of misconduct.

Failure to Make Restitution (Std. 1.5(m)): Respondent continues to owe restitution of \$9,350 to five separate clients.

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

No Prior Discipline: Respondent was admitted in 1994 and has no prior record of discipline. (*Friedman v. State Bar* (1990) 50 Cal.3d 235, 245 [Even when the present misconduct is serious, an attorney is entitled to mitigation credit].)

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*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]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary

purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Std. 1.7(b) and (c).)

Where respondents commit multiple acts of professional misconduct, Standard 1.7(a) requires that when the Standards specify different sanctions for each act, the most severe sanction must be imposed. Standard 2.7, which applies to respondent's misrepresentations to Fox, calls for disbarment or actual suspension, depending upon the magnitude of the misconduct and the extent to which the misconduct harmed or mislead the victim. Also instructive is Standard 2.5, applicable to multiple matters involving failure to perform, calls for an actual suspension (since the conduct does not rise to the level of demonstrating a pattern.)

Here, in six client matters, respondent failed to perform, failed to return unearned fees, failed to communicate, failed to return client files and failed to cooperate with State Bar investigations. In addition, respondent made misrepresentations to Fox. On balance, the aggravation outweighs the mitigation. In particular, respondent engaged in multiple acts of misconduct and owes almost \$10,000 in restitution. Respondent's failure to perform and efforts to string her clients along caused her clients anxiety and frustration.

Given that respondent engaged in misconduct in six matters and that the aggravation outweighs the mitigation, respondent should receive a lengthy actual suspension. On balance, an actual one year suspension will protect the public, the courts, and the legal profession, maintain high professional standards, and preserve the public's confidence in the legal profession.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
15-O-14712	Four	Failure to Perform with Competence
15-O-15503	Eleven	Failure to Cooperate with State Bar Investigation
15-O-15537	Fourteen	Failure to Cooperate with State Bar Investigation
16-O-10279	Eighteen	Failure to Cooperate with State Bar Investigation
16-O-10519	Twenty-One	Failure to Cooperate with State Bar Investigation

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of July 8, 2016, the prosecution costs in this matter are approximately \$8,700. 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.

FURTHER RESTITUTION.

In addition to the restitution amounts set forth on the Financial Conditions page of this stipulation, respondent must pay the following additional restitution on the same terms as set forth on the Financial Conditions page and provide satisfactory proof of payment to the Office of Probation. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) identified below, respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Respondent must pay Roy Mirador and Michael Talento the principal amount of \$3,500 plus interest of 10% per annum from November 1, 2015, by the date set forth on the Financial Conditions page of this stipulation.

Respondent must pay James Porter the principal amount of \$2,000 plus interest of 10% per annum from November 1, 2015, by the date set forth on the Financial Conditions page of this stipulation.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

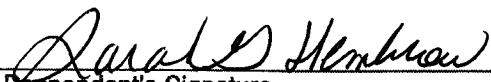

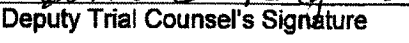
Respondent may not receive MCLE credit for completion of Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: SARAH HEMBROW	Case number(s): 15-O-12102-PEM; 15-O-14712; 15-O-15503; 15-O-15537; 16-O-10279; 16-O-10519
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>8-9-16</u> Date	<u></u> Respondent's Signature	<u>SARAH HEMBROW</u> Print Name
<u>8/19/16</u> Date	<u></u> Respondent's Counsel Signature	<u>ESTHER J. ROGERS</u> Print Name
	<u></u> Deputy Trial Counsel's Signature	<u>ESTHER J. ROGERS</u> Print Name

(Do not write above this line.)

In the Matter of:
SARAH HEMBROW

Case Number(s):
15-O-12102-PEM; 15-O-14712; 15-O-15503;
15-O-15537; 16-O-10279; 16-O-10519

ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

1. On page 4 of the stipulation, the "X" in the box next to paragraph D.(1)(a)(ii) is deleted; and
2. On page 4 of the stipulation, an "X" is inserted in the box next to paragraph D.(1)(b).

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

Aug. 24, 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 August 24, 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:

SARAH HEMBROW
LAW OFFICE OF SARAH G.
HEMBROW
1400 N DUTTON AVE STE 21
SANTA ROSA, CA 95401

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

Esther J. Rogers, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 24, 2016.


Laurretta Cramer
Case Administrator
State Bar Court