

ORIGINAL

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State Bar Court of California Hearing Department Los Angeles REPROVAL			PUBLIC MATTER
Counsel For The State Bar Sherell N. McFarlane Senior Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1288 Bar # 217357	Case Number(s): 16-C-10106, 16-O-11120	For Court use only FILED FEB 15 2017 STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
In Pro Per Respondent Katerina F. Perreault Katerina F. Perreault Law 5117 Tampa Avenue Tarzana, CA 91356 (310) 874-9295 Bar # 237458	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: KATERINA F. PERREAULT Bar # 237458 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 **July 5, 2005**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **12** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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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 (public reproof).
 - ☐ Case ineligible for costs (private reproof).
 - ☐ 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.
- (9) The parties understand that:
- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) ☐ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) ☒ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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."

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- (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.
- (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. **See Attachment to Stipulation at p. 8.**
- (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 investigation 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 Attachment to Stipulation at p. 9.**

- (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.
- (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 Attachment to Stipulation at pp. 8-9.**
- (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-filing and Pre-trial Stipulation. See Attachment to Stipulation at p. 9.

D. Discipline:

- (1) ☐ **Private reproof (check applicable conditions, if any, below)**
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).
- or
- (2) ☒ **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of **one (1) year**.
- (2) ☒ During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (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 reprobation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the reprobation conditions period, 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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of reprobation with the probation monitor to establish a manner and schedule of compliance. During the reprobation conditions period, Respondent must furnish 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 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 conditions attached to the reprobation.
- (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.
- (10) ☒ 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 of the effective date of the reprobation.

☐ No MPRE recommended. Reason:

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

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

☐ Medical Conditions

☐ Financial Conditions

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: KATERINA F. PERREAULT

CASE NUMBERS: 16-C-10106, 16-O-11120

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. 16-C-10106 (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 May 15, 2012, the Los Angeles City Attorney filed a criminal complaint in Los Angeles County Superior Court, case no. 2PY02751, charging respondent in count 1 with violating Penal Code section 273.5(a), corporal injury on a spouse, a misdemeanor. May 15, 2012, the complaint was amended by interlineation to add count 2, which charged respondent with violating Penal Code section 242-243(e)(1), domestic battery on a spouse, a misdemeanor.

3. On May 15, 2012, respondent pled no contest to a violation of Penal Code section 242-243(e)(1), domestic battery on a spouse, a misdemeanor.

4. On May 15, 2012, the court accepted respondent's plea and found her guilty. On that date, the court suspended the imposition of sentence and placed respondent on summary probation for three years with conditions including, without limitation, incarceration in the county with credit for time served, search terms, firearm restriction terms, court-ordered restitution and fine payment, and the requirement that she attend and complete a 52-week domestic violence program. The court then dismissed the remaining count pursuant to the negotiated plea disposition.

5. On July 7, 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:

6. On May 12, 2012, respondent and her then spouse attended a party but left early and returned home due to respondent's high level of intoxication.

7. When respondent arrived home, she became irate, began yelling and screaming at her spouse, and began throwing and breaking items in the house.

8. Respondent's spouse exited the house to avoid a confrontation and called the police. He then entered the garage and found respondent, who continued to yell profanities at him, seated in his car. As respondent's spouse attempted to calm respondent down, respondent scratched his arms and hands.

9. Thereafter, respondent left the garage and reentered the house where she continued to break items including a phone-fax machine, a computer and the glass front door.

10. Respondent ran to the houses of nearby neighbors and continued to yell and scream profanities, resulting in a least one of the neighbors calling police to report a trespasser.

11. Respondent was visibly intoxicated, had difficulty maintaining her balance and was yelling profanities when Los Angeles Police Department ("LAPD") officers arrived.

12. During the course of their investigation, the officers observed redness, and scratches and bruises on both respondent and her spouse. LAPD officers arrested respondent for spousal battery. Respondent waived her *Miranda* rights and stated that she became angry and pushed a computer off a desk. At that time, however, respondent denied scratching or striking her spouse.

13. Respondent successfully completed probation.

CONCLUSIONS OF LAW:

14. The facts and circumstances surrounding the above-described violations did not involve moral turpitude but did involve other misconduct warranting discipline.

Case No. 16-O-11120 (Complainant: Lenny Janner)

15. On May 28, 2013, respondent filed suit against her then spouse in Los Angeles County Superior Court case no. LC100377, entitled *Katerina Perreault v. Andre Perreault et al.*, alleging numerous causes of action including causes of action for recovery for community property, conversion and fraud.

16. On October 7, 2014, respondent filed a motion to disqualify the attorney representing the defendants.

17. On November 14, 2014, the court denied the motion, found that the motion was frivolous and imposed sanctions of \$1,350 against respondent.

18. Respondent reported the \$1,350 sanction to the State Bar.

19. On December 24, 2014, respondent appealed the court's November 14, 2014 orders denying her motion to disqualify opposing counsel and imposing sanctions on her.

20. On January 6, 2016, the Court of Appeal in case no. B261082, entitled *Katerina F. Perreault v. Lawrence M. Lebowsky, as Special Administrator, et al.*, issued an unpublished decision affirming the Los Angeles County Superior Court's November 14, 2014 orders denying respondent's motion to disqualify opposing counsel and imposing sanctions on her, and imposed sanctions of \$5,000 against respondent for filing a frivolous appeal.

21. Respondent reported the \$5,000 sanction to the State Bar.

22. Respondent paid both the \$1,350 and \$5,000 sanctions.

23. On September 2, 2014, respondent filed suit in Los Angeles County Superior Court, case no. LC102075 entitled *Katerina Perreault v. Sylvie Beauregard et al.*, seeking declaratory relief and damages. On May 7, 2015, following the defendants' successfully motion pursuant to C.C.P. §§ 425.16 (anti-SLAPP statute), the court dismissed the entire complaint with prejudice.

24. On June 5, 2015, following the defendants' successful motion for attorney's fees and costs in case no. LC102075, the court ordered judgment of \$13,368 entered against respondent and in favor of defendants.

25. Respondent has satisfied the judgment.

26. On October 2, 2014, respondent filed suit in Los Angeles County Superior Court, case no. LC102192 entitled *Katerina Perreault v. Andre Perreault, Leonard Paul Janner, et al.*, alleging numerous causes of action including causes of action for civil conspiracy and libel. On May 1, 2015, following the defendants' successfully motion pursuant to C.C.P. §§ 425.16 (anti-SLAPP statute), the court dismissed the entire complaint with prejudice.

26. On August 24, 2015, following the defendant's successful motion for attorney's fees and costs in case no. LC102192, the court ordered judgment of \$6,799.99 entered against respondent in favor of defendants.

27. Respondent has satisfied the judgment.

CONCLUSIONS OF LAW:

28. By filing the lawsuits in case nos. LC100377, LC102075 and LC102192, and the appeal in case no. B261082 on behalf of herself that were frivolous, without merit, or prosecuted for improper purpose, respondent failed to maintain such action and proceedings only as appear to her legal or just, in willful violation of Business and Professions Code section 6068(c).

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Absence of Prior Record of Discipline: Respondent is entitled to mitigation for 11 years of practice without a prior record of discipline. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [more than ten years of discipline-free practice entitled to significant mitigation].)

Good Character: Respondent's good character has been attested to by ten individuals, including three attorneys, three former clients, and a banker who are aware of her misconduct and who hold her in high regard, lauding her integrity, honesty, competence, dedication to her clients and her community. Respondent's character letters are representative of a wide range of members of the general and legal communities who are aware of respondent's misconduct in connection with the present matters, and as such, respondent is entitled to credit in mitigation for good character. (See generally *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591-592 [significant weight in mitigation

accorded to three character witnesses due to their familiarity with respondent and their knowledge of his good character, work habits and professional skills].)

Remorse and Recognition of Wrongdoing: Respondent acknowledges that alcohol consumption has led her to exercise poor judgment in her personal life in the past and in order to address this problem, she voluntarily enrolled herself in New Directions for Women residential alcohol and drug rehabilitative and sober living program in October 2016. While enrolled in the residential treatment program respondent participated in individual and group therapy counseling, attended Alcoholics Anonymous daily, and worked with her case manager to prepare a comprehensive discharge plan to help her stay sober and return to her community to live a life free from substances. Respondent successfully completed the program in December 2016. By voluntarily enrolling herself into and completing New Directions for Women residential alcohol and drug rehabilitative and sober living program, respondent has demonstrated recognition of her wrongdoing. (*In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 519 [voluntary confession of misconduct to client may be considered a mitigation circumstance as a recognition of wrongdoing].)

Furthermore, respondent recognizes that her zealous self-representation in her dissolution and related legal matters caused her to lose sight of ethical responsibilities and has retained an attorney to assist her with her remaining legal matters. Respondent's acceptance of and insight into her misconduct suggests that the misconduct is not likely to recur.

Pre-filing and Pre-trial Stipulation: Respondent has stipulated to facts, conclusions of law, and disposition in order to resolve these disciplinary proceedings prior to filing in case no. 16-O-11120, and prior to trial in case no. 16-C-10106, thereby avoiding the necessity of formal proceedings and trial, and saving State Bar and 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].) By entering into this stipulation, respondent has accepted responsibility for her misconduct.

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).) Standards 1.7(b) and (c) also require that where a respondent has committed two or more acts of misconduct, and different sanctions are prescribed by the Standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable Standards.

Standard 2.16(b) applies to respondent's misconduct in case no. 16-C-10106, and provides in relevant part as follows: "Suspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline." Respondent's conduct on May 12, 2012, although unrelated to the practice of law, involved violence arising from her abuse of alcohol and resulted in physical injury, albeit minor, to her then spouse. The facts and circumstances surrounding respondent's conviction do not involve moral turpitude but involve other misconduct warranting discipline. (See *In re Otto* (1989) 48 Cal.3d 970, 971-972 [the facts and circumstances of an attorney's conviction for Penal Code sections 245(a), assault by means likely to produce great bodily injury, and 273.5 (infliction of corporal punishment on a cohabitant resulting in a traumatic condition), constituted misconduct warranting discipline].) Furthermore, respondent's culpability in case no. 16-C-10106 is conclusively established by the record of her conviction. (Bus. & Prof. Code, § 6101, subd. (a); *In re Crooks* (1990) 51 Cal.3d 1090, 1097.) Respondent is presumed to have committed all of the elements of the crime of which she was convicted. (*In re Duggan* (1976) 17 Cal.3d 416, 423; *In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 581, 588.)

Standard 2.9(b) applies to respondent's misconduct in case no. 16-O-11120, and provides as follows: "Suspension or reproof is the presumed sanction when a member counsels or maintains a frivolous claim or action for an improper purpose, resulting in harm to an individual or the administration of justice." Respondent violated section 6068(c) as found by the courts in her various actions. (See *In the Matter of Kinney* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 360, 365 [may rely on court of appeal opinion to which attorney was party as conclusive legal determination of civil matters bearing strong similarity to charged disciplinary conduct]; *In the Matter of Lais* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 112, 117-118 [court adopted frivolous appeal findings by court of appeal where respondent failed to produce any competing evidence].) However, at the time when respondent filed her various legal actions and appeal, she was representing herself in her personal legal matters and honestly, although unreasonably, believed that her actions were legal and just. Following the appellate court's decision in case no. B261082 and its imposition of a \$5,000 sanction against her, respondent has accepted that her zealous self-representation crossed ethical lines, paid the sanctions and judgments, and has taken steps to avoid recurrence of misconduct in the future.

Respondent's conduct is mitigated by more than 11 years of practice without a prior record of discipline, extraordinary demonstration of good character, remorse and recognition of wrongdoing, and pre-filing/pre-trial stipulation. No aggravating factors are present. Moreover, respondent's misconduct did not involve client matters and therefore caused no harm to her clients. The mitigating circumstances predominate, therefore, discipline less than suspension is adequate to protect the public and fulfill the purposes of attorney discipline. Discipline consisting of a public reproof with conditions for one year, on the terms and conditions set forth herein is appropriate, is consistent with the Standards, and will protect the public, the courts and the legal profession, maintain high professional standards, and preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of January 26, 2017, the prosecution costs in this matter are approximately \$5,706. 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


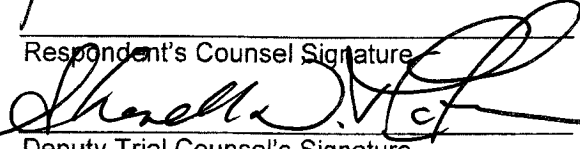
Respondent may not receive MCLE credit for completion of State Bar Ethics School ordered as a condition of her reproof. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: Katerina F. Perreault	Case number(s): 16-C-10106, 16-O-11120
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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>2-6-17</u> Date	<u></u> Respondent's Signature	<u>Katerina F. Perreault</u> Print Name
<u>2/8/17</u> Date	<u></u> Respondent's Counsel Signature	<u>Sherell N. McFarlane</u> Print Name
	<u></u> Deputy Trial Counsel's Signature	<u></u> Print Name

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In the Matter of: Katerina F. Perreault	Case Number(s): 16-C-10106, 16-O-11120
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REPROVAL ORDER

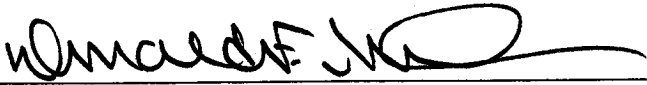
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
 - ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
 - ☐ All court dates in the Hearing Department are vacated.
- Page 1, Paragraph A(1): "July 5, 2005" is amended to read: "July 7, 2005."
 - Page 5, Paragraph E(11): The check in the box for this paragraph is deleted.

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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

2/15/17
Date


DONALD F. MILES
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 Los Angeles, on February 15, 2017, 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:

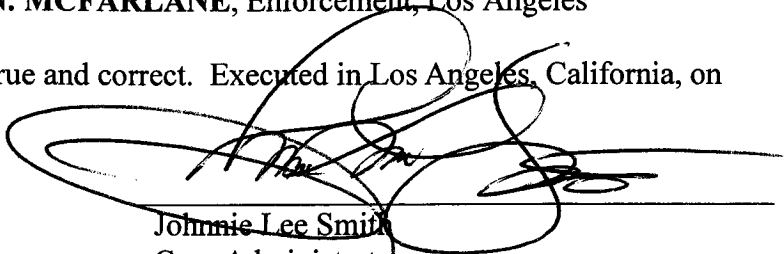
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**KATERINA F. PERREAULT
KATERINA PERREAULT LAW
5117 TAMPA AVE
TARZANA, CA 91356**

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

SHERELLE N. MCFARLANE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 15, 2017.


Johnnie Lee Smith
Case Administrator
State Bar Court