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**STATE BAR COURT OF CALIFORNIA STATE BAR COURT CLERK'S OFFICE
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HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No.: 16-PM-10615-LMA
)	
TARA JANE ARNOLD,)	ORDER GRANTING MOTION TO
)	REVOKE PROBATION AND ORDER OF
Member No. 172917)	INACTIVE ENROLLMENT
)	
<u>A Member of the State Bar.</u>)	

Introduction

On February 3, 2016, the Office of Probation of the State Bar of California (Office of Probation) filed a motion to revoke the probation of respondent Tara Jane Arnold. Although she was properly served with the motion to revoke probation by certified mail, return receipt requested, and by regular mail at her State Bar membership records address, Respondent did not participate in this proceeding. On March 4, 2016, this court issued an order submitting the motion for decision, serving Respondent with a copy of that order.

Good cause having been shown, the motion to revoke Respondent's probation is granted and discipline is recommended as set forth below.

Findings of Fact and Conclusions of Law

On May 26, 2015, the California Supreme Court filed an order, S225296, accepting the State Bar Court's discipline recommendation in case nos. 97-C-14742; 13-C-16243; 13-C-16790 (Cons.), in which Respondent stipulated that her criminal convictions did not involve moral



turpitude, but did involve other misconduct warranting discipline.¹ The discipline included a two-year stayed suspension, three years' probation, and a 90-day actual suspension. This order was properly served on Respondent and became effective on June 25, 2015.² In addition, a copy of the stipulation and this court's order approving the same had previously been properly served on Respondent on February 3, 2015.

On June 29, 2015, the Office of Probation sent Respondent a reminder letter regarding the probation conditions at her official address.³ This letter was not returned as undeliverable or for any other reason.

On July 2, 2015, Respondent and her probation deputy communicated by telephone regarding the terms and conditions of her disciplinary probation. Thereafter, Respondent and her probation deputy communicated by email and phone on multiple occasions.

Despite these efforts to make Respondent aware of the conditions of her probation and to secure her compliance with them, Respondent did not comply with the following probation conditions:

(a) During the period of probation, Respondent was required to submit written quarterly reports to the Office of Probation on January 10, April 10, July 10, and October 10 of each year, or part thereof during which the probation was in effect, stating under penalty of perjury that she had complied with all provisions of the State Bar Act and Rules of Professional Conduct during

¹ Respondent was convicted of driving under the influence of alcohol (DUI) on three separate occasions. She was also convicted on additional charges of child endangerment and open container. The child endangerment conviction resulted from the fact that Respondent's son and his friend, both of whom were minors, were in the car during one of Respondent's DUI arrests.

² In the absence of evidence to the contrary, the court finds that the Clerk of the Supreme Court performed his or her duty by transmitting a copy of the Supreme Court's order to Respondent immediately after its filing. (Rule 8.532(a), Cal. Rules of Court; Evid. C. §664; *In Re Linda D.* (1970) 3 Cal.App.3d 567, 571.)

³ The Office of Probation also sent this letter and information to Respondent via email.

said period. Respondent did not file her first two quarterly reports, due October 10, 2015 and January 10, 2016.

(b) Along with her quarterly reports, Respondent was ordered to provide the Office of Probation with declarations, under penalty of perjury, that she was in compliance with the conditions imposed in her underlying criminal matter (criminal compliance declarations). Respondent failed to provide the Office of Probation with her first two criminal compliance declarations, due October 10, 2015 and January 10, 2016.

(c) Along with her quarterly reports, Respondent was ordered to provide the Office of Probation with proof of attendance of Alcoholic Anonymous (AA) meetings.⁴ Respondent failed to provide the Office of Probation with proof that she attended any AA meetings between August and December 2015.

(d) Respondent was ordered to furnish to a laboratory blood and/or urine samples as required to show she abstained from alcohol and/or drugs. Respondent was to cause the laboratory to provide the Office of Probation with a screening report on or before the tenth day of each month. Respondent filed her July 2015 screening report late and tested positive for alcohol in her August 2015 screening report. Respondent subsequently failed to file screening reports for September 2015, October 2015, November 2015, December 2015, and January 2016.

(e) Along with her quarterly reports, Respondent was ordered to provide the Office of Probation with proof of psychiatric or psychological help/treatment (medical reports).⁵ Respondent failed to provide to the Office of Probation the medical reports due October 10, 2015 and January 10, 2016.

⁴ Respondent was required to attend AA at least twice per week for two years from the effective date of her discipline.

⁵ Respondent was required to obtain psychiatric or psychological help/treatment at least four times a month.

Aggravation

Prior Discipline

Respondent's prior record of discipline is a factor in aggravation. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct,⁶ std. 1.5(a).) Respondent has one prior imposition of discipline.

In the underlying matter, the Supreme Court, on May 26, 2015, filed an order in case no. S225296 (State Bar Court case nos. 97-C-14742; 13-C-16243; 13-C-16790 (Cons.)) suspending Respondent from the practice of law for two years, staying execution of the suspension, and placing her on probation for three years, including a 90-day period of actual suspension. In this matter, Respondent stipulated that her criminal convictions did not involve moral turpitude, but did involve other misconduct warranting discipline.⁷ In mitigation, Respondent had no prior record of discipline and entered into a pretrial stipulation. In aggravation, Respondent had multiple acts of criminal misconduct.

Multiple Acts of Misconduct

Respondent's violations of the terms of her disciplinary probation constitute multiple acts of misconduct. (Std. 1.5(b).)

Mitigation

It was Respondent's burden to establish mitigating factors. No mitigating factors were shown by the evidence presented to this court.

Discussion

The extent of the discipline to be recommended is dependent, in part, on the seriousness of the probation violation, the member's recognition of the misconduct, and the member's prior

⁶ Future references to standard or std. are to this source.

⁷ As noted above, Respondent had three DUI convictions. She was also convicted on related charges of child endangerment and open container.

efforts to comply with the conditions. (*In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 540.) Having considered these factors, the court concludes that actual suspension for a minimum of two years and until satisfactory proof of fitness to practice and learning and ability in the general law, as requested by the Office of Probation, is both required and sufficient to protect the public in this instance. Respondent was aware of the terms and conditions of her disciplinary probation, yet did not comply with them despite reminders from the Office of Probation. Her failure to participate in this proceeding is also a matter of considerable concern to this court.

Recommended Discipline

Accordingly, the court recommends as follows:

1. That the probation of respondent Tara Jane Arnold previously ordered in Supreme Court case no. S225296 (State Bar Court case nos. 97-C-14742; 13-C-16243; 13-C-16790 (Cons.)) be revoked;
2. That the previous stay of execution of the suspension be lifted; and
3. That Respondent be actually suspended from the practice of law for a minimum of two years, and she will remain suspended until the following requirement is satisfied:
 - i. She provides proof to the satisfaction of the State Bar Court of her rehabilitation, present fitness to practice, and present learning and ability in the general law pursuant to standard 1.2(c)(1).

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

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Multistate Professional Responsibility Examination

It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination as she was previously ordered to do so in Supreme Court matter S225296.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Order of Involuntary Inactive Enrollment

Respondent is ordered to be involuntarily enrolled inactive under Business and Professions Code section 6007, subdivision (d)(1).⁸ This inactive enrollment order will be effective three calendar days after the date upon which this order is served.

Dated: March 18, 2016



LUCY ARMENDARIZ
Judge of the State Bar Court

⁸Any period of involuntary inactive enrollment will be credited against the period of actual suspension ordered. (Bus. & Prof. Code, § 6007, subd. (d)(3).)

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 March 18, 2016, I deposited a true copy of the following document(s):

ORDER GRANTING MOTION TO REVOKE PROBATION AND ORDER OF
INACTIVE ENROLLMENT

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:

TARA JANE ARNOLD
466 CORTONA CV
WEST LAKE HILLS, TX 78746

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

TERRIE GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 18, 2016.



Mazie Yip
Case Administrator
State Bar Court