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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Melissa G. Murphy Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2527 Bar # 304445	Case Number(s): 17-O-06952	For Court use only PUBLIC MATTER FILED  MAY 02 2018 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Teresa Faye Bristow 5225 Maestro Way Roseville, CA 95747-8938 (916) 801-6731 Bar # 241075	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: TERESA FAYE BRISTOW Bar # 241075 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 29, 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)
- ☒ 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: .. (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 **15-O-14264-LMA; 15-O-15022; 16-O-13274. See page 9; See Exhibit 1.**
- (b) ☒ Date prior discipline effective **July 23, 2017.**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **In Case No.15-O-14264: (1) Rules of Professional Conduct, rule 3-110(A) [failure to perform legal services with competence] (2) Business and Professions Code, section 6068(m) [failure to keep her client reasonably informed of significant developments in his case] and (3) Rules of Professional Conduct, rule 3-700(A)(2) [failure upon termination of employment to take reasonable steps to avoid reasonably foreseeable prejudice to her client]. In Case No. 15-O-15022: (1) Business and Professions Code, section 6068(m) [failure to respond to reasonable status inquiries in a matter in which respondent had agreed to provide legal services] and (2) Business and Professions Code, section 6068(m) [failure to keep her client reasonably informed of significant developments in his case]. In Case No. 16-O-13274:(1) Rules of Professional Conduct, rule 3-110(A) [failure to perform legal services with competence]; (2) Business and Professions Code, section 6068(m) [failure to respond to reasonable status inquiries in a matter in which repondent agreed to provide legal services] and (3) Business and Professions Code, section 6068(m) [failure to keep her client reasonably informed of significant developments in his case].**
- (d) ☒ Degree of prior discipline **30-day actual suspension.**
- (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.

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- (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. **See page 9**
- (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 page 9**
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) ☐ **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.

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- (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.
- (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:

Prefiling stipulation (See page 9).

D. Discipline:

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of **two (2) 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 (2) 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 **six months**.
- 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: **Completes probation conditions from prior discipline, i.e. meet with probation deputy, submit quarterly reports still due, submit evidence of attendance of State Bar Ethics School and passage of test at the end of the session and passage of the MPRE .**

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: **Respondent was ordered to submit proof of satisfactory attendance of State Bar Ethics School and passage of the test given at the end of that session in Case Nos.15-O-14264-LMA; 15-O-15022; 16-O-13274.**
- (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) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation 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: **Respondent was ordered to submit proof of passage of the MPRE in Case Nos.15-O-14264-LMA; 15-O-15022; 16-O-13274.**
- (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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: TERESA FAYE BRISTOW

CASE NUMBER: 17-O-06952

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. 17-O-06952

FACTS:

1. On February 21, 2017, respondent entered into a Stipulation re: Facts, Conclusions of Law, and Disposition ("Stipulation") with the State Bar of California in Case Nos. 15-O-14264-LMA; 15-O-15022 and 16-O-13274.
2. In the Stipulation, respondent agreed to the following terms and conditions of probation:
 - a. 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 the terms of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in-person or by telephone;
 - b. Submit written quarterly reports to the Office of Probation on January 10, April 10, July 10 and October 10 during her one year period of probation;
 - c. Within one year of the effective date of discipline, provide the Office of Probation satisfactory proof of attendance of State Bar Ethics School and passage of the test given at the end of that session;
 - d. Within one year of the effective date of discipline, provide the Office of Probation proof of passage of the Multistate Professional Responsibility Examination ("MPRE").
3. On March 3, 2017, the Hearing Department of the State Bar Court filed an Order Approving the Stipulation, recommending to the California Supreme Court the discipline set forth in the Stipulation.
4. On June 23, 2017, the California Supreme Court filed and served respondent with Order No. S241495 (State Bar Case Nos. 15-O-14264; 15-O-15022 and 16-O-13274) ("Discipline Order") which ordered that respondent be suspended from the practice of law for one year, execution of that period of suspension be stayed, and that respondent be placed on probation for one year subject to the following conditions:
 - a. Respondent be actually suspended for the first 30 days of probation;
 - b. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 3, 2017.

5. Respondent received the Discipline Order, which became effective on July 23, 2017.
6. On July 20, 2017, the Office of Probation uploaded a Courtesy Reminder letter on respondent's State Bar Member Profile outlining all the terms of her probation, including the requirement that respondent schedule an initial meeting with the Office of Probation, hold that meeting, and file quarterly reports.
7. On July 20, 2017, the Office of Probation also sent an email to respondent at her then and current membership record email address with the subject line: "SBN 241075 Reminder Letter – Office of Probation, The State Bar of California." The email stated, "Dear Teresa F. Bristow, The Office of Probation has prepared a reminder letter with informational attachments. The letter will NOT be mailed to you. Please immediately go to your attorney profile on the State Bar's website <http://members.calbar.ca.gov> to review, download and print it." Respondent received that email.
8. By August 23, 2017, respondent had not contacted the Office of Probation to schedule the required meeting. To this day, respondent has not contacted the Office of Probation.
9. On August 24, 2017, the Office of Probation sent a non-compliance letter to respondent at her membership record mailing and email addresses notifying respondent that she had failed to schedule the required meeting with the Office of Probation. It also attached the July 20, 2017 Courtesy Reminder letter and all its attachments. Respondent received that non-compliance letter and email.
10. On August 29, 2017, the assigned probation deputy received a voicemail from an individual identifying himself as Roy Fleischer. Mr. Fleischer claimed that respondent never received the initial Courtesy Reminder letter. The assigned probation deputy returned Mr. Fleischer's call and indicated that he would not discuss the matter without a Notice of Counsel Form on file. Neither respondent nor Mr. Fleischer have had any further contact with the Office of Probation.
11. By October 10, 2017, respondent failed to submit a required quarterly report to the Office of Probation, due on that date as a condition of respondent's probation.
12. By January 10, 2018, respondent failed to submit a required quarterly report to the Office of Probation, due on that date as a condition of the respondent's probation.
13. To date, respondent has failed to submit either of her quarterly reports due by October 10, 2017 and January 10, 2018.
14. On January 30, 2018, respondent logged on to her State Bar Membership Profile, changed her address and changed her status from active to inactive.

CONCLUSIONS OF LAW:

15. By failing to schedule a required initial meeting with the Office of Probation, failing to hold that required meeting with the Office of Probation, and failing to file a quarterly reports due on October 10, 2018 and January 10, 2018, respondent failed to comply with the conditions attached

to her disciplinary probation, in willful violation of Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior record of discipline in Case Nos. 15-O-14264; 15-O-15022 and 16-O-13274, effective July 23, 2017. Respondent stipulated to a one year suspension, stayed for one year with a 30 day actual suspension, for misconduct in three client matters, including failing to perform in two cases; failing to communicate in two cases, failing to inform her client of significant events in three cases, and failing, upon termination of representation, to take steps to avoid reasonably foreseeable prejudice to her client in one case. In aggravation, respondent's misconduct included multiple act of wrongdoing. In mitigation, respondent had no prior record of discipline in eight years of practice, received credit for entering into a pre-filing stipulation, relied, in good faith, on the representations made by her former law partner, that he would communicate with the clients and ensure that the work was performed timely, and that the respondent suffered from extreme emotional, physical or mental difficulties and disabilities.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's violation of four separate conditions of her probation demonstrate multiple acts of wrongdoing. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646-647 [two or more acts of misconduct may constitute multiple acts of misconduct].)

Indifference Toward Rectification/Atonement (Std. 1.5k)). Respondent's continued failure to contact the Office of Probation, meet with the Office of Probation, submit her quarterly reports, come into compliance with any of her conditions of probation, or file a motion with the State Bar Court seeking modification, demonstrates indifference towards rectification. An attorney's continued failure to comply with her probation conditions after being notified of that non-compliance is properly considered aggravation. (See *In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 529-530.)

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: Respondent is entitled to some mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to the filing of charges in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.14 applies to violations of conditions of probation and provides: "Actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition and the member's unwillingness or inability to comply with disciplinary orders." To date, respondent has not contacted the Office of Probation and has not complied in any way with any of the conditions of her probation.

Standard 1.8(a) also applies because respondent has a prior record of discipline. Standard 1.8(a) provides: "If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." Respondent's prior was serious and recent; therefore, a higher level of discipline than 30 days actual suspension is warranted under the Standards.

To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. In aggravation, respondent has a prior record of discipline involving three client matters, has committed multiple acts of misconduct by violating four conditions of her probation, and is indifferent towards atonement for the consequences of this misconduct. Respondent would be entitled to some mitigation for entering into a pretrial settlement.

Case law is instructive. In *In the Matter of Laden* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 678, the Court recommended a 90 day actual suspension for an attorney who made multiple late restitution payments and submitted several quarterly reports late. In aggravation, the attorney had two prior records of discipline as a result of failing to make timely restitution payments to the same client, and an additional prior discipline on another client matter. The Court also found in aggravation, multiple acts of misconduct. In mitigation, the Court recognized the respondent's financial hardship and good faith efforts to make timely payments; his candor and cooperation with the victim; his recognition of the seriousness of his wrongdoing and his community service. Further, in *In the Matter of Tiernan, supra*, 3 Cal. State Bar Ct. Rptr. 523, the Court recommended one year actual suspension because of the aggravating circumstances and the lack of mitigation. There, the attorney was on disciplinary probation and he failed to cooperate with his probation monitor and failed to submit two quarterly reports. The Review Department found in aggravation the attorney's four prior records of discipline, including an

earlier probation revocation matter because of his failure to file his probation reports. The Court also found as aggravation, six multiple acts of misconduct, four untimely probation reports, one act of failing to cooperate with his probation monitor, and filing a report that was defective.

Here, while the attorneys in *Laden* and *Tiernan* had one and two more prior records of discipline, unlike those attorneys, the respondent failed to contact the Office of Probation at all. Moreover, like the attorney in *Tiernan*, who received a one year actual suspension, there is no mitigation in the current case. Respondent failed to make initial contact with the Office of Probation, failed to hold a required meeting with the Office of Probation, and failed to submit two quarterly reports. She has a prior record of discipline involving three client matters, and unlike the attorney in *Laden*, the respondent is indifferent towards rectification.

On balance, a six month actual suspension, two years stayed suspension, and two year probationary period will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of December 1, 2017, the discipline costs in this matter are \$3,215. 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 and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

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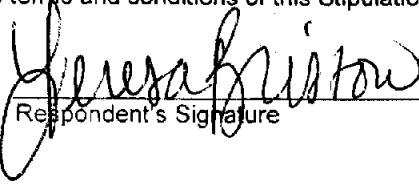
In the Matter of: TERESA FAYE BRISTOW	Case number(s): 17-O-06952
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SIGNATURE OF THE PARTIES

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.

4/11/18

Date



Respondent's Signature

Teresa Faye Bristow

Print Name

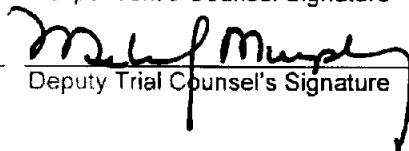
Date

Respondent's Counsel Signature

Print Name

4/12/18

Date



Deputy Trial Counsel's Signature

Melissa G. Murphy

Print Name

(Do not write above this line.)

In the Matter of: TERESA FAYE BRISTOW	Case Number(s): 17-O-06952
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ACTUAL SUSPENSION ORDER

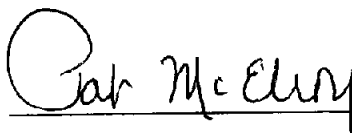
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ 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 2, par. B.(1)(c) - Add "(4) Rule 3-700(A)(2) of the Rules of Professional Conduct" at the end of the paragraph.
2. On page 2, par. B.(1)(d) Degree of prior discipline - Add "One-year stayed suspension and one-year probation."
3. On p. 5, par. E. (1) - Check the box for the conditional standard 1.2(c)(1).

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.)**

May 2, 2018
Date


Judge of the State Bar Court

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DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER: 17-O-06952

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION**

in a sealed envelope placed for collection and mailing at San Francisco, on the date shown below, addressed to:

**Teresa F. Bristow
5225 Maestro Way
Roseville, CA 95747-8938**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: April 12, 2018

Signed: 

**Janese Bodin
Declarant**

S241495

IN THE SUPREME COURT OF CALIFORNIA

SUPREME COURT
FILED

En Banc

JUN 23 2017

In re TERESA FAYE BRISTOW on Discipline

Jorge Navarrete Clerk

The court orders that Teresa Faye Bristow, State Bar Number 241075, is **Deputy** suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

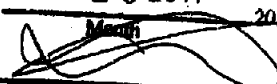
1. Teresa Faye Bristow is suspended from the practice of law for the first 30 days of probation;
2. Teresa Faye Bristow must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 3, 2017; and
3. At the expiration of the period of probation, if Teresa Faye Bristow has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Teresa Faye Bristow must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are 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. One-third of the costs must be paid with her membership fees for each of the years 2018, 2019, and 2020. If Teresa Faye Bristow 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.

I, Jorge Navarrete, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

JUN 23 2017
By: 
Deputy

CANTIL-SAKAUYE

Chief Justice

EXHIBIT

(Do not write above this line.)

State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Robert A. Henderson Supervising Senior Trial Counsel 180 Howard St. San Francisco, CA 94105 (415) 538-2385 Bar # 173205	Case Number(s): 15-O-14264-LMA 15-O-15022; 16-O-13274	For Court use only PUBLIC MATTER FILED MAR 03 2017 V-4. STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Roy J. Fleischer 1611 S St., 2nd Floor Sacramento, CA 95811 (916) 446-4025 Bar # 98167	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: TERESA FAYE BRISTOW Bar # 241075 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 29, 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 15 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".

(Do not write above this line.)

- (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 §§6066.10 & 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: **three billing cycles from the effective date of the Supreme Court Order imposing discipline 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.

(Do not write above this line.)

- (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. 12.
- (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(l) & 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. See Attachment to Stipulation at p. 12.
- (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. See Attachment to Stipulation at p. 12.

(Do not write above this line.)

- (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:

Pretrial Stipulation - See Attachment to Stipulation at p. 12.

No Prior Discipline - See Attachment to Stipulation at p. 12.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **one-year**.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **one-year**, 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 **30 days**.

- 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.

(Do not write above this line.)

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.

(Do not write above this line.)

(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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: TERESA FAYE BRISTOW

CASE NUMBERS: 15-O-14264-LMA [15-O-15022; 16-O-13274]

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.

Background Facts for All Matters

Respondent has suffered for many years from depression, anxiety, diabetes, high blood pressure, obstructive sleep apnea, insomnia, recurring syncope episodes, a non-specific autoimmune disorder, and frequent incapacitating migraine headaches. In November 2014, respondent was advised by her physician to take time off from work. In 2015, respondent was placed on disability. In February 2015, a syncope episode caused loss of consciousness, which resulted in a concussion and hospitalization. Respondent was diagnosed with post-concussive syndrome, which involved memory loss, confusion, and dizziness. In May 2015, respondent's partner closed the firm, which had been in Sacramento. In September 2015, after treatment for her various issues, including depression and anxiety, respondent returned to work on a part-time basis as a paralegal for a law firm. In November 2016, respondent suffered another syncope episode, which resulted in a non-displaced fracture of the left mandible [broken jaw]. Although respondent continues to have health issues, with the assistance of her physician(s) and medication, she has been able to manage her depression and anxiety.

Respondent, during the operative time frame involved in these matters, practiced in a partnership with another attorney. In early 2014 and continuing thereafter, respondent's partner began to exhibit angry behavior and make baseless accusations against respondent. Respondent noted other aberrant behavior by her partner, including his closing the law office for the day, without consulting with respondent or considering her deadlines. Respondent was on notice that her partner was exhibiting an unstable mental condition. When respondent's health deteriorated, respondent's law partner represented that he either would be handling or had handled her cases. Respondent, although on notice of her partner's odd behavior, in good faith believed that her partner had handled the matters. Respondent did not make any independent effort to verify the claim. In fact, respondent's partner did not adequately handle the legal matters for which respondent was hired. Respondent's partner resigned from the practice of law effective September 3, 2016.

Case No. 15-O-14264 (Complainant: Clayborne Ferguson)

FACTS:

1. On November 5, 2014, Clayborne Ferguson ("Ferguson") hired respondent to represent him in a family law matter, *Massey-Ferguson v. Ferguson*, Sacramento County Superior Court case no. 10FL08403. Ferguson wanted to lower his spousal support payments.

2. Ferguson paid respondent \$750 in advanced fees for the family law matter.

3. On November 15, 2014, respondent substituted into the matter. A week later, respondent's health deteriorated and she went on medical leave. As of November 22, 2014, respondent ceased all work on Ferguson's matter and effectively abandoned Ferguson.

4. Subsequent to going on medical leave, respondent failed to keep Ferguson informed of her medical leave, what was happening in the matter and failed to complete the work.

5. On May 29, 2015, respondent's partner, on behalf of respondent, filed a Request for Order re: Modification of Spousal Support. The court set a hearing for July 6, 2015. The Request for Order was never served on the other side. Respondent's partner informed Ferguson of the hearing date by letter.

6. On May 31, 2015, respondent's partner closed the law firm. Neither respondent, nor her partner informed Ferguson that the firm had closed.

7. In June 2015, Ferguson attempted to telephone respondent at the firm telephone number, but it had been disconnected.

8. On July 6, 2015, Ferguson appeared for the hearing. There was no appearance by respondent, respondent's partner, the opposing party and the opposing party's counsel. Ferguson attempted to contact respondent, but was unable to do so. The court dropped the matter from the calendar. Ferguson was informed by the court that respondent was not practicing law at that time and that her partner had retired.

9. In February 2016, respondent refunded the \$750.

CONCLUSIONS OF LAW:

10. By failing to take any action on behalf of Ferguson after substituting into the case on November 15, 2014, until May 29, 2015, by failing to serve the Request for Modification on the opposing party and by failing to appear at the July 6, 2015 hearing, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

11. By failing to inform Ferguson that she was going on medical leave and that his case had not been worked on from November 22, 2014 through April 2015, by failing to inform Ferguson that the opposing party had not been served and that respondent would not appear at the July 6, 2015 hearing, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services in wilful violation of Business and Professions Code, section 6068(m).

12. By effectively terminating representation of Ferguson, without notifying Ferguson and without taking steps to protect Ferguson's legal position, respondent failed upon termination of employment to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Case No. 15-Q-15022 (Complainant: Tina Vallery)

FACTS:

13. On April 30, 2014, Tina Vallery ("Vallery") hired respondent to represent her in a family law matter.

14. On May 16, 2014, respondent filed a Petition for Dissolution of Marriage titled *IRMO Vallery*, Sacramento County Superior Court case no. 14FL02881. The Petition was not served on the opposing party as Vallery did not have a good address for her husband. Respondent explained to Vallery that service by publication was an option. Vallery chose to attempt to have the opposing party personally served by either a friend or family member.

15. On July 10, 2014, Vallery signed the Declaration of Disclosure. Respondent never served the opposing party with the Declaration of Disclosure, as she did not have a good address for the husband.

16. After July 10, 2014, respondent ceased working on the Vallery matter. Respondent relied on her law partner to take over the matter. Respondent did not inform Vallery that respondent would no longer be working on the matter. No further work was ever done on Vallery's matter.

17. Between August 9, 2014 and January 2015, Vallery made numerous telephonic and email inquiries to respondent asking for a status update on the matter. Respondent received these messages, but did not respond.

18. On November 22, 2014, respondent went out on medical leave. Respondent did not inform Vallery that she was on medical leave.

19. In February 2015, Vallery looked for new counsel.

20. At the end of May 2015, respondent's partner closed the law firm. Neither respondent, nor her partner informed Vallery that the firm had closed.

CONCLUSIONS OF LAW:

21. By failing to respond to Vallery's telephonic and email status inquiries between August 9, 2014 and January 2015, respondent wilfully failed to respond to reasonable status inquiries in a matter in which respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

22. By failing to inform Vallery that respondent was going on medical leave, by failing to inform Vallery that respondent would not be working on the matter while on leave and by failing to inform Vallery that the firm had closed, respondent wilfully failed to keep a client informed of significant developments in a matter in which respondent had agreed to provide legal advice in wilful violation of Business and Professions Code, section 6068(m).

Case No. 16-O-13274 (Complainant: Neil Wong)

FACTS:

23. On May 22, 2013, Neil Wong ("Wong") hired respondent to represent him in *Wong v. Wong* Sacramento County Superior Court case no. 12FL01730 a family law matter.

24. On May 22, 2013, Wong's former wife filed a Request for Order seeking to set aside the Judgment in *Wong v. Wong* Sacramento County Superior Court case no. 12FL01730 on numerous grounds.

25. Wong wanted to modify the amount of child support payments to his ex in *Wong v. Wong* Sacramento County Superior Court case no. 12FL01730.

26. On June 14, 2013, respondent substituted into the family law matter.

27. Respondent initially performed for Wong in the modification of child support.

28. On June 18, 2013, respondent filed a Request for Order to modify child support.

29. On August 7, 2013, a Family Law Stipulation and Order was entered, modifying the child support to \$211 per month payable to Wong's ex-wife.

30. On August 7, 2013, the Request for Order seeking to set aside the Judgment in *Wong v. Wong* Sacramento County Superior Court case no. 12FL01730 was heard. No order was made at that time. The matter was referred for a long-cause hearing. The Mandatory Settlement Conference was set for November 14, 2013 and the Hearing was set for November 22, 2013.

31. On October 25, 2013, respondent filed a Pre-trial Statement.

32. On October 28, 2013, opposing counsel filed a Pre-trial Statement

33. On November 14, 2013, at the Mandatory Settlement Conference, the parties entered into a Stipulation and Order. The trial date of November 22, 2013, was vacated.

34. On April 23, 2014, respondent filed Findings and Order After Hearing Pursuant to Settlement Conference.

35. Beginning in May 2014 and continuing thereafter, respondent ceased working on the Wong family law matter.

36. In June 2014, respondent experienced medical issues, which caused her to reduce her work schedule. However, respondent failed to inform Wong and failed to substitute out of the case.

37. On September 24, 2014, respondent emailed Wong regarding the status of the case. The remaining issue was the valuation of a retirement account of the opposing party. Respondent advised Wong that they could either subpoena the records of the opposing party, or file a contempt action to force the opposing party to complete the valuation.

38. On September 25, 2014, respondent emailed opposing counsel regarding obtaining the valuation of the account. This was the last action respondent took on behalf of Wong.

39. As of September 26, 2014, respondent effectively abandoned the representation of Wong.

40. As a result of respondent's illness and reduced hours, the work for Wong was never completed.

41. On November 22, 2014, respondent went out on medical leave. Respondent did not inform Wong that she was on medical leave.

42. On December 8, 2014, Wong emailed requesting a status update on his case. Respondent received the email, but did not respond.

43. On December 8, 2014, Wong attempted to telephone respondent at her office, but the number was out of service.

44. On May 31, 2015, respondent's partner closed the law firm. Neither respondent, nor her partner informed Wong that the firm had closed.

45. On September 29, 2015, Wong received an emailed automatic reply from respondent with a new address.

46. On September 29, 2015, Wong received an emailed automatic reply from respondent's partner, informing Wong that the partner had permanently retired from the partnership, effective May 31, 2015.

47. On September 29, 2015, Wong emailed respondent asking about the status of his case. Wong also stated that he had been trying to reach respondent for over a year. Respondent received this email, but did not respond.

CONCLUSIONS OF LAW:

48. By failing to take any affirmative action on behalf of Wong to move the family law matter forward after the April 23, 2014 Order and by ceasing all efforts on behalf of Wong after September 25, 2014, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

49. By failing to respond to Wong's telephonic and email status inquiries between September 29, 2014 and September 29, 2015, respondent wilfully failed to respond to reasonable status inquiries in a matter in which respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

50. By failing to inform Wong that respondent was going on medical leave, by failing to inform Wong that respondent would not be working on the matter while on leave and by failing to inform Wong that the firm had closed, respondent wilfully failed to keep a client informed of significant developments in a matter in which respondent had agreed to provide legal advice in wilful violation of Business and Professions Code, section 6068(m).

51. By taking no further action on Wong's behalf as of September 26, 2014, effectively terminating representation of Wong, without notifying Wong and without taking steps to protect Wong's legal position, respondent failed upon termination of employment to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's misconduct in three matters involved multiple acts of misconduct including failure to perform, failure to communicate and client abandonment.

MITIGATING CIRCUMSTANCES.

Good Faith (Std. 1.6(b)): Respondent in good faith relied on the representations made by her former law partner, that he would communicate with the clients and ensure that the work was performed timely.

Extreme Emotional, Physical, or Mental Difficulties and Disabilities (Std. 1.6(d)): Respondent has suffered from depression, anxiety, diabetes, high blood pressure, migraine headaches and recurring non-specific syncope, for many years. During the time period of the misconduct, respondent's mental and physical health deteriorated, causing her to change her medications and take a medical leave. The medical leave commenced in late 2014 and continued into September 2015. Since that time, respondent has been able to stabilize her mental and physical health, as attested to by her physician.

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].)

No Prior Discipline: Respondent has been in practice since December 29, 2005, with no prior discipline. Although her misconduct is serious, her eight years' of practice prior to committing the misconduct in these matters is a mitigating factor. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 [where mitigative credit given for discipline-free practice despite serious 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. (Stds. 1.7(b) and (c).)

In this matter, respondent committed multiple acts of misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in standard 2.7 which states:

(b) Actual suspension is the presumed sanction for performance, communication, or withdrawal violations in multiple client matters, not demonstrating habitual disregard of client interests.

Respondent in the current matter has committed misconduct in three matters, including the abandonment of two clients, which would suggest an actual suspension under the applicable standard.

Turning to case law, the Supreme Court has said: "We have considered abandonment of clients and retention of unearned fees as serious misconduct warranting periods of actual suspension and in cases of habitual misconduct, disbarment. (See *Martin v. State Bar* (1978) 20 Cal.3d 717 [six instances of abandonment, one-year actual suspension]; *Lester v. State Bar* (1976) 17 Cal.3d 547 [four instances of abandonment, six months' actual suspension]; *Farnham v. State Bar* (1988) 47 Cal.3d 429 [seven instances of misconduct, with prior discipline, disbarment].)

In *Layton v. State Bar* (1990) 50 Cal.3d 889, the attorney received a 30 day actual suspension for abandoning an open estate for a period in excess of five years.

In *Bach v. State Bar* (1991) 52 Cal.3d 1201, the attorney received a 30 day actual for abandoning a family law matter for a period of two and a half years.

As in *Layton* and *Bach*, respondent has abandoned her clients. Although the time frame of the abandonment is shorter, there are more clients involved. Additionally in this matter the mitigation outweighs the aggravation. However, there is no reason to deviate from the guidance provided by the

Standard. On balance a similar level of discipline as in *Bach* and *Layton*, which still falls within the range of Standard 2.7(b) would be appropriate. An actual suspension of 30 days would adequately protect the public and maintain the high standards of the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of February 13, 2017, the discipline costs in this matter are \$5,671. 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


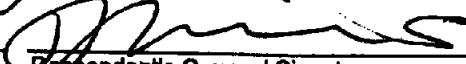
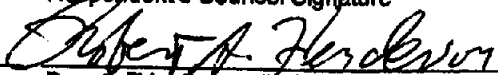
Respondent may not receive MCLE credit for completion of: State Bar Ethics School, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: TERESA FAYE BRISTOW	Case number(s): 15-O-14264-LMA 15-O-15022; 16-O-13274
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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>2/21/17</u>	<u></u>	<u>Teresa F. Bristow</u>
Date	Respondent's Signature	Print Name
<u>2/21/17</u>	<u></u>	<u>Roy J. Fleischer</u>
Date	Respondent's Counsel Signature	Print Name
<u>2/27/2017</u>	<u></u>	<u>Robert A. Henderson</u>
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: TERESA FAYE BRISTOW	Case Number(s): 15-O-14264-LMA 15-O-15022; 16-O-13274
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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.

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.)

March 3, 2017
Date


LUCY ARMENDARIZ
Judge of the State Bar Court

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DECLARATION OF SERVICE BY MAIL

RE: BRISTOW
CASE NO.: 15-O-14264; 15-O-15022; 16-O-13274

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope placed for collection and mailing at San Francisco, on the date shown below, addressed to:

Roy Joseph Fleischer
1611 S St Ste 200
Sacramento, CA 95811


in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: February 27, 2017

SIGNED:


Dawn Williams
Declarant

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 3, 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 San Francisco, California, addressed as follows:

ROY JOSEPH FLEISCHER
1611 S ST STE 200
SACRAMENTO, CA 95811

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

Robert A. Henderson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 3, 2017.



Vincent Au
Case Administrator
State Bar Court

FILED

JAN 23 2017

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

ROY J. FLEISCHER, SR.
ATTORNEY AT LAW (SBN 98167)
1611 S STREET, SECOND FLOOR
SACRAMENTO, CALIFORNIA 95811
Telephone: 916.446.4025
Telecopier: 916.446.3839

Attorney for Respondent, Teresa Bristow

STATE BAR COURT
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of:) Case Nos.: 15-O-14264; 15-O-15022;
) 16-O-13274
TERESA FAYE BRISTOW,)
No. 241075,) ANSWER TO NOTICE OF
) DISCIPLINARY CHARGES
A Member of the State Bar)

TO: THE STATE BAR COURT OF CALIFORNIA

Pursuant to Rule 5.41 of the Rules of Procedure of the State Bar of California,
Respondent, Teresa Bristow, by and through her attorney of record, Roy J. Fleischer Sr., hereby
submits the following in Response to the Notice of Disciplinary Charges on file herein:

Respondent was admitted to the practice of law in the State of California on December
29, 2005, and at all relevant times has been a member of the State Bar of California.

Under the provisions of the Rules of Procedure of the State Bar of California, Respondent
hereby generally denies each and every allegation of the Notice of Disciplinary Charges and the
whole thereof, and further denies that the Respondent has violated any Rule of Professional
Conduct in any manner whatsoever.

In response to the specific allegations on information and belief set forth in the Notice of
Disciplinary Charges on file herein, Respondent Teresa Bristow asserts:

JURISDICTION

1. In response to paragraph one of the Notice of Disciplinary Charges ("NDC"), Respondent
admits said allegations.

COUNT ONE

2. Respondent objects to the allegations of paragraph two of the NDC because they are
conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,

1 Respondent denies the allegations contained in paragraph two of the NDC.

2 COUNT TWO

3 3. Respondent objects to the allegations of paragraph three of the NDC because they are
4 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,
5 Respondent denies the allegations contained in paragraph three of the NDC.

6 COUNT THREE

7 4. Respondent objects to the allegations of paragraph four of the NDC because they are
8 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,
9 Respondent denies the allegations contained in paragraph four of the NDC.

10 COUNT FOUR

11 5. Respondent objects to the allegations of paragraph five of the NDC because they are
12 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,
13 Respondent denies the allegations contained in paragraph five of the NDC.

14 COUNT FIVE

15 6. Respondent objects to the allegations of paragraph six of the NDC because they are
16 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,
17 Respondent denies the allegations contained in paragraph six of the NDC.

18 COUNT SIX

19 7. Respondent objects to the allegations of paragraph seven of the NDC because they are
20 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,
21 Respondent denies the allegations contained in paragraph seven of the NDC.

22 COUNT SEVEN

23 8. Respondent objects to the allegations of paragraph eight of the NDC because they are
24 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,
25 Respondent denies the allegations contained in paragraph eight of the NDC.

26 COUNT EIGHT

27 9. Respondent objects to the allegations of paragraph nine of the NDC because they are
28 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,
Respondent denies the allegations contained in paragraph nine of the NDC.

COUNT NINE

10. Respondent objects to the allegations of paragraph ten of the NDC because they are

1 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objections,
2 Respondent denies the allegations contained in paragraph ten of the NDC.

3 AFFIRMATIVE DEFENSES

4 FIRST AFFIRMATIVE DEFENSE

5 The Notice of Disciplinary Charges, and each of its purported counts, fails to state facts
6 sufficient to state a basis for discipline.

7 SECOND AFFIRMATIVE DEFENSE

8 Duplicative Charges: The Notice of Disciplinary Charges contains inappropriate,
9 unnecessary, and immaterial duplicative charges. (*Bates v. State Bar Court* (1990) 51 Cal.3d
10 1056, 1060; *In Re the Matter of Lilley* (Rev. Dept. 1991) 1 Cal. State Bar Ct. Rptr. 476, 485.


11 THIRD AFFIRMATIVE DEFENSE

12 Lack of Materiality: The facts upon which some or all of the Notice of Disciplinary
13 Charges are based allege immaterial or irrelevant omissions or statements.

14 FOURTH AFFIRMATIVE DEFENSE

15 The facts upon which some or all of the Notice of Disciplinary Charges are based
16 constitute mistake, inadvertence, neglect, or error and do not rise to the level of willful
17 misconduct.

18 Dated: 1/17/17

19 
20 ROY J. FLEISCHER, SR.
21 Attorney for Respondent
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1 **IN THE MATTER OF:**

2 Case Name: **Teresa Faye Breistow, Member No. 241075**

3 Case Numbers: **15-O-14264-LMA; 15-O-15022-LMA; 16-O-13274-LMA**

4 **Declaration of Service**

5 I am over the age of eighteen years and not a party to this action. My business address is
6 1611 S Street, Suite 200, Sacramento, California, 95814. On the date indicated below, I served
on the interested parties in this action the following document(s) in the manner indicated:

7 • **ANSWER TO NOTICE OF DISCIPLINARY CHARGES**

8 ☒ **BY MAIL:** A true and correct copy thereof, in accordance with Code of Civil Procedure
9 Section 1101, to the person(s) and address(es) set forth below:

10 ☐ **BY OVERNIGHT DELIVERY:** To the person(s) and address(es) set forth below:

11 ☐ I delivered an envelope to a courier authorized by the express service carrier to receive
12 documents in an envelope designated by the carrier with delivery fees provided for.

13 ☐ I deposited an envelope in a box or facility regularly maintained by the express service
14 carrier in an envelope designated by the express service carrier with delivery fees provided for.

15 ☐ **BY FACSIMILE:** At _____ a.m./p.m., I transmitted the foregoing documents (the
16 transmission was reported complete and without error and a record of the transmission was
properly issued) to the person(s), facsimile number(s) and address(es) set forth below:

17 ☐ **BY HAND:**

I delivered an envelope by hand to the person(s) and address(es) set forth below:

18 **ROBERT A. HENDERSON,**
19 **SUPERVISING SENIOR TRIAL COUNSEL**
20 **180 HOWARD STREET**
SAN FRANCISCO, CA 94105-1639

21
22 I certify and declare under penalty of perjury under the laws of the State of California,
23 that the foregoing is true and correct. Executed on January 17, 2017, at Sacramento, California.

24 
25 **SALLEE MICHAEL**

**PUBLIC MATTER
FILED**

DEC 29 2016

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
3 GREGORY DRESSER, No. 136532
4 INTERIM CHIEF TRIAL COUNSEL
5 MELANIE J. LAWRENCE, No. 230102
6 ACTING DEPUTY CHIEF TRIAL COUNSEL
7 SUSAN CHAN, No. 233229
8 ACTING ASSISTANT CHIEF TRIAL COUNSEL
9 ROBERT A. HENDERSON, No. 173205
10 SUPERVISING SENIOR TRIAL COUNSEL
11 180 Howard Street
12 San Francisco, California 94105-1639
13 Telephone: (415) 538-2385
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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of:) Case Nos.: 15-O-14264; 15-O-15022;
13 TERESA FAYE BRISTOW,) 16-O-13274
14 No. 241075,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

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

- 19 (1) YOUR DEFAULT WILL BE ENTERED;
20 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
21 WILL NOT BE PERMITTED TO PRACTICE LAW;
22 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
23 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
24 AND THE DEFAULT IS SET ASIDE, AND;
25 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

26 The State Bar of California alleges:

27 //

1 JURISDICTION

2 1. Teresa Faye Bristow ("respondent") was admitted to the practice of law in the State of
3 California on December 29, 2005, was a member at all times pertinent to these charges, and is
4 currently a member of the State Bar of California.

5 COUNT ONE

6 Case No. 15-O-14264
7 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

8 2. On or about November 5, 2014, Clayborne Ferguson, employed respondent to
9 perform legal services, namely for representation in a family law matter – modification of
10 spousal support in Sacramento County Superior Court case no. 10FL08403, which respondent
11 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of
12 Rules of Professional Conduct, rule 3-110(A), by ceasing all work on the matter after
13 substituting into the matter on or about February 11, 2015 and thereafter having her partner file
14 on or about May 29, 2015 a Request for Modification of Spousal Support, and thereafter failed to
15 appear at a July 6, 2015 hearing in the matter, which resulted in the matter being taken off
16 calendar and never being heard.

17 COUNT TWO

18 Case No. 15-O-14264
19 Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

20 3. Respondent failed to keep respondent's client, Clayborne Ferguson ("Ferguson"),
21 reasonably informed of significant developments in a matter in which respondent had agreed to
22 provide legal services, in willful violation of Business and Professions Code, section 6068(m),
23 by failing to inform the client of the following: that respondent had been out of the office and not
24 working on Ferguson's matter from November 2014 through on or about April 9, 2015.

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COUNT THREE

Case No. 15-O-14264
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

4. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Clayborne Ferguson ("Ferguson"), by constructively terminating respondent's employment in or about mid-May 2015 when a letter was sent to Ferguson regarding a hearing set for July 6, 2015, by failing to take any action on the client's behalf after the mid-May 2015 letter, including not appearing at the July 6, 2015 hearing, and thereafter failing to inform the client that respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT FOUR

Case No. 15-O-15022
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

5. Respondent failed to respond promptly to numerous telephonic and email reasonable status inquiries made by respondent's client, Tina Vallery, between on or about August 9, 2014 and on in or about January 2015, that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT FIVE

Case No. 15-O-15022
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

6. Respondent failed to keep respondent's client, Tina Vallery ("Vallery"), reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client of the following: that respondent had been out of the office and not working on Vallery's matter from November 2014 through in or about January 2015.

//

1 COUNT SIX

2 Case No. 16-O-13274
3 Rules of Professional Conduct, rule 3-110(A)
4 [Failure to Perform with Competence]

5 7. On or about May 22, 2013, Neil Wong ("Wong") employed respondent to perform
6 legal services, namely to modify the amount of child support payments to his ex in *Wong v.*
7 *Wong* Sacramento County Superior Court case no. 12FL01730 and subsequently to respond to a
8 Motion to Set Aside Judgment of Dissolution, which respondent intentionally, recklessly, or
9 repeatedly failed to perform with competence, in willful violation of Rules of Professional
10 Conduct, rule 3-110(A), by ceasing work on the matter after April 23, 2014, when a Findings and
11 Order After Hearing Pursuant to Settlement Conference was filed, and thereafter taking no
12 further action on the matter.

13 COUNT SEVEN

14 Case No. 16-O-13274
15 Business and Professions Code, section 6068(m)
16 [Failure to Respond to Client Inquiries]

17 8. Respondent failed to respond promptly to numerous telephonic and email reasonable
18 status inquiries made by respondent's client, Neil Wong, between on or about September 29,
19 2014 and on or about September 29, 2015 that respondent received in a matter in which
20 respondent had agreed to provide legal services, in willful violation of Business and Professions
21 Code, section 6068(m).

22 COUNT EIGHT

23 Case No. 16-O-13274
24 Business and Professions Code, section 6068(m)
25 [Failure to Inform Client of Significant Development]

26 9. Respondent failed to keep respondent's client, Neil Wong ("Wong"), reasonably
27 informed of significant developments in a matter in which respondent had agreed to provide
28 legal services, in willful violation of Business and Professions Code, section 6068(m), by failing
to inform the client of the following: that respondent had been out of the office and not working
on Wong's matter from November 2014 through on or about September 29, 2015.

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COUNT NINE

Case No. 16-O-13274
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

10. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Neil Wong ("Wong"), by constructively terminating respondent's employment on or about September 24, 2014 by failing to take any action on the client's behalf after emailing Wong on September 24, 2014, regarding the valuation of a pension of the opposing party, and thereafter failing to inform the client that respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

NOTICE - INACTIVE ENROLLMENT!

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

NOTICE - COST ASSESSMENT!

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: December 29, 2016

By: 
Robert A. Henderson
Supervising Senior Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBERS: 15-O-14264; 15-O-15022; 16-O-13274

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- ☒ By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
- In accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.
- ☒ By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS) Next Day Air / Worldwide Express.
- ☐ By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS) Next Day Air / Worldwide Express.
- ☐ By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.
- ☐ By Electronic Service: (CCP § 1010.6)
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)

☒ (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 9414 7266 9904 2011 9774 75 at San Francisco, addressed to: (see below)

☐ (for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: (see below)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
Roy Joseph Fleischer	1611 S St., Ste. 200 Sacramento, CA 95811		
		Electronic Address	

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

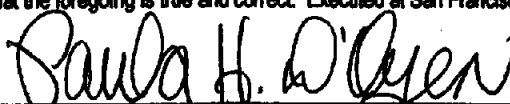
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: December 29, 2016

SIGNED:


Paula H. D'Oyeh
Declarant



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST April 27, 2018

State Bar Court, State Bar of California,
Los Angeles

By

Clerk

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on May 2, 2018, 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:

TERESA F. BRISTOW
5225 MAESTRO WAY
ROSEVILLE, CA 95747 - 8938

- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- ☐ by overnight mail at , California, addressed as follows:

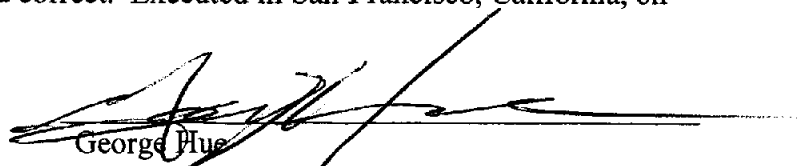
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Melissa G. Murphy, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 2, 2018.


George Hue
Court Specialist
State Bar Court