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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
<p>Counsel for the State Bar</p> <p>Terese Laubscher Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1239</p> <p>Bar # 272207</p>	<p>Case Number(s):</p> <p>SBC-19-0-30167</p> <p>kwiktag® 241 073 077</p>  <p>(OCTC Case Numbers: 17-O-07027; 18-O-13126)</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED <i>MZ</i> MAY 14 2019</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Susan Margolis Margolis & Margolis LLP 2000 Riverside Dr. Los Angeles, CA 90039 (323) 953-8996</p> <p>Bar # 104629</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:</p> <p>SARA ELIOT</p> <p>Bar # 230157</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 **February 20, 2004**.
- (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 **22** 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. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with Respondent's membership fees for each of the following years: the first two billing cycles following the effective date of the Supreme Court order.
- If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be 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: **17-O-01680, et al. (See attachment at page 18 and Exhibit 1).**
- (b) Date prior discipline effective: **October 27, 2018**
- (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, former rule 4-100(A) [payment of personal expenses from client trust account].**
- (d) Degree of prior discipline: **One (1) year of stayed suspension, two (2) years of probation, including ninety (90) days of 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.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.

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- (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. **See attachment at page 19.**
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's 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 at page 18.**
- (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 [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 Respondent's 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 Respondent's 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 Respondent.

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- (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 Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's 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:

Extreme Physical Difficulties, see attachment at page 19.
Profiling Stipulation, see attachment at page 19.

D. Recommended Discipline:

- (1) **Actual Suspension:**

Respondent is suspended from the practice of law for **two (2) years**, the execution of that suspension is stayed, and Respondent is placed on probation for **two (2) years** with the following conditions.

- Respondent must be suspended from the practice of law for the first **ninety (90) days** of the period of Respondent's probation.

- (2) **Actual Suspension "And Until" Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

- (3) **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

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- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(4) **Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(5) **Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the

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Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(6) **Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7) **Actual Suspension with Credit for Interim Suspension:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent is suspended from the practice of law for the first _____ of probation (with credit given for the period of interim suspension which commenced on _____).

E. Additional Conditions of Probation:

- (1) **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's

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compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

- (2) **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3) **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4) **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5) **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6) **Quarterly and Final Reports:**
- a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
- b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

d. Proof of Compliance. Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7) **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8) **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because **respondent has been ordered to provide proof of attendance at the State Bar Ethics School in case number 17-O-01680, et al. (S249523), effective October 27, 2018.**
- (9) **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10) **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete _____ hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11) **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.

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For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (4) **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (5) **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because
- (6) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

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In the Matter of: SARA ELIOT	Case Number(s): (OCTC case nos. 17-O-07027; 18-O-13126)
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Medical Conditions

a. **Mental Health Conditions:** Respondent must obtain psychiatric or psychological counseling or treatment to address SELECT ONE issue(s), at Respondent's own expense, from a duly licensed psychiatrist, psychologist, clinical social worker, or marriage and family therapist (mental health professional), and must provide such licensed individual with a copy of this stipulation. However, if such mental health professional determines at any time that no additional counseling or treatment is necessary, Respondent may furnish a written statement from the mental health professional to that effect to the Office of Probation. Respondent must commence counseling or treatment no later than 30 days after the effective date of the SELECT ONE order imposing discipline in this proceeding and must comply with any counseling or treatment plan developed by the mental health professional. Respondent must certify under penalty of perjury in each quarterly report and in the final report that Respondent has obtained and complied with such psychiatric or psychological counseling or treatment plan during the period covered by such report. Within 60 days of written notice from the Office of Probation, Respondent must provide satisfactory evidence of such compliance to the Office of Probation. The Office of Probation may require that such satisfactory evidence be a letter from the mental health professional on such individual's letterhead, or on a form approved by the Office of Probation, that Respondent has obtained such psychiatric or psychological counseling or treatment and that Respondent has complied with a counseling or treatment plan during the period specified in the written notice.

b. **Medical Waivers:** Within 45 days after the effective date of the SELECT ONE order imposing discipline in this matter, Respondent must provide the Office of Probation with an authorization to disclose and obtain medical information (medical waiver) and access to all of Respondent's medical records related to Respondent's SELECT ONE for the period . Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, the Office of Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing, or adjudicating this probation/reproval condition.

c. **Other:**

Medical Waivers: Within 45 days of the effective date of the Supreme Court order imposing discipline in this matter, Respondent must provide the Office of Probation with an authorization to disclose and obtain medical information (medical waiver) and access to all of Respondent's medical records related solely to the physical issue stated in this stipulation for the period of probation. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, the Office of Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing, or adjudicating this probation condition.

Respondent must obtain medical treatment to address her gastrointestinal disorder, at respondent's own expense, from a duly licensed Medical Doctor or Doctor of Osteopathy in good standing, providing to such licensed individual a copy of this stipulation no later than thirty (30) days from the effective date of the discipline herein. Within forty-five (45) days of the effective date of discipline, respondent will furnish to the Office of Probation proof that respondent has provided her doctor with a copy of the stipulation.

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Treatment should commence immediately and, in any event, no later than thirty (30) days after the effective date of the Supreme Court's order in this proceeding. Respondent must comply with any treatment plan developed by the doctor and, in each quarterly report and in the final report, must certify under penalty of perjury that respondent has obtained such medical treatment, and that respondent has complied with any treatment plan during the period covered by each report.

With each quarterly report and the final report, respondent must also provide satisfactory evidence of such compliance to the Office of Probation. Satisfactory evidence of compliance would include a letter from the doctor on the doctor's letterhead signed under penalty of perjury, or on a form approved by the Office of Probation, certifying that respondent has obtained such medical treatment, and that respondent has complied with any treatment plan during the period specified in the written notice.

If the doctor determines that there has been a substantial change in respondent's condition, respondent may file a motion for modification of this condition with the State Bar Court. The motion must be supported by a written statement from the doctor, by affidavit or under penalty of perjury, in support of the proposed modification. Treatment must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

9. On May 1, 2017, respondent filed a substitution of counsel signed by Mr. Rodriguez with Mr. Rodriguez now acting in pro per.

10. On May 8, 2017, Mr. Rodriguez appeared for trial. The court placed the trial off calendar and set the following matters for hearing on June 7, 2017: 1) order show to cause for determination of counsel for Mr. Rodriguez; 2) order to show cause why the substitution of counsel filed on May 1, 2017 should not be stricken for being improperly filed so close to trial; 3) order to show cause why respondent should not be sanctioned; and 4) trial setting conference. The minute order also reflects that the court advised Mr. Rodriguez that his new attorney must appear at the June 7, 2017 hearing. Respondent received the order.

11. On May 12, 2017, opposing counsel for defendant Le Market, Inc., et al. filed a motion requesting sanctions in the amount of \$3,818 against respondent.

12. On June 7, 2017, respondent filed a declaration in response to the order to show cause. In her declaration, respondent detailed the medical issues she began developing in February 2016. Respondent stated that she was intermittently able to perform some work for her clients, but was unable to perform the two week jury trial in Mr. Rodriguez's matter. Respondent detailed in her declaration numerous efforts to find substitution counsel for Mr. Rodriguez over the preceding six months, but stated that no replacement counsel had been secured. Respondent stated that Mr. Rodriguez had also not been successful in finding replacement counsel.

13. On June 7, 2017, the court held a hearing on the order to show cause. Respondent, Mr. Rodriguez, and opposing counsel were present. Respondent provided translation for Mr. Rodriguez before the court. The court determined that Mr. Rodriguez did not want to be unrepresented and respondent did not dispute this. The court struck the substitution and ordered respondent to remain as counsel of record for Mr. Rodriguez. The court ordered respondent to pay sanctions to opposing counsel in the amount of \$3,000 within thirty days. The court set a new trial date for August 14, 2017 and a final status conference for August 7, 2017. Respondent received notice of the order.

14. Respondent timely paid the sanctions ordered on June 7, 2017, but did not report the order of sanctions on June 7, 2017 to the State Bar until after the State Bar contacted her regarding the issue on April 24, 2018.

15. On August 7, 2017, respondent failed to appear at the final status conference. The court set a hearing for August 9, 2017 on an order to show cause why respondent should not be sanctioned for failing to appear at the conference. Respondent received the order.

16. On August 8, 2017, opposing counsel for defendant filed a declaration in support of the order to show cause stating that he called respondent on the morning of August 7, 2017 regarding the status conference and that respondent told him she did not know about the conference.

17. Respondent did not file a response to the order to show cause.

18. On August 9, 2017, the court held a hearing on the order to show cause. Respondent and opposing counsel appeared. The court sanctioned respondent in the amount of \$1,595 payable to opposing counsel. Respondent explained to the court that she failed to appear on August 7, 2017 because she was ill. The court noted in its minute order that respondent failed to inform either the court

or opposing counsel of her illness. The court continued the trial date to August 21, 2017. Respondent represented to the court that she would be able to conduct the trial on that date, or would find another attorney to do so. The court advised the parties that there would be no further continuances of the trial date. The court also ruled that jury trial had been waived due to both parties' failure to timely post jury fees. Respondent received notice of the order.

19. Respondent timely paid the sanctions ordered on August 9, 2017, but did not report the order of sanctions on August 9, 2017 to the State Bar until after the State Bar contacted her regarding the issue on April 24, 2018.

20. On August 21, 2017, the case was called for trial. Respondent did not appear and did not inform the client that she would not appear. Mr. Rodriguez appeared. Opposing counsel appeared for the defendant. The court granted the defendant's motion for non-suit under Code of Civil Procedure section 581(b)(5) and dismissed the case with prejudice. Following the hearing, respondent had her interpreter call Mr. Rodriguez to tell him that he needed to find a lawyer to represent him in filing a motion to reinstate his case and that respondent would assist the new lawyer by providing a declaration of fault.

21. On August 28, 2017, the defendants filed a motion for an award of attorney's fees in the amount of \$23,625 against Mr. Rodriguez. Respondent received the motion, but did not file a response.

22. On December 6, 2017, the court held a hearing on the motion for attorneys' fees. Respondent engaged an appearance attorney on behalf of Mr. Rodriguez to handle the hearing. The court denied the motion for attorney's fees finding that there was no evidence that the case was frivolous or brought in bad faith.

CONCLUSIONS OF LAW:

23. Respondent willfully violated Business and Professions Code section 6068(o)(3) by failing to report to the State Bar the \$3,000 sanction the court imposed on respondent on June 7, 2017 within thirty days of the time respondent had knowledge of the imposition of the sanction,

24. Respondent willfully violated Business and Professions Code section 6068(o)(3) by failing to report to the State Bar the \$1,595 sanction the court imposed on respondent on August 9, 2017 within thirty days of the time respondent had knowledge of the imposition of the sanction.

25. Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willfull violation of Rules of Professional Conduct, former rule 3-110(A), by: failing to appear at the court hearings and conferences held on September 16, 2016 and August 7 and 21, 2017; failing to file a response to the court's August 7, 2017 order to show cause; failing to take any action to have the court's August 21, 2017 dismissal with prejudice set aside; and failing to file a response to the defendant's motion for an award of attorney's fees filed on August 28, 2017.

26. Respondent effectively withdrew from employment without obtaining the permission of the court when the rules of the court required respondent to do so, in willfull violation of Rules of Professional Conduct, former rule 3-700(A)(1), by failing to take any action on behalf of Mr. Rodriguez after August 9, 2017, including failing to appear at trial on August 21, 2017.

27. By failing to inform Mr. Rodriguez that respondent would not be appearing at the August 21, 2017 trial, respondent failed to keep her client reasonably informed of significant developments in willfull violation of Business and Professions Code section 6068(m).

OCTC Case No. 18-O-13126 (Complainant: The Honorable Paul Bacigalupo)

FACTS:

28. On July 30, 2015, Bladimir Rosales hired respondent to represent him on a contingency basis in his claims against his employer Guatemalteca Bakery, Inc.

29. On October 23, 2015, respondent filed Mr. Rosales' complaint in *Bladimir Rosales vs. Guatemalteca Bakery, Inc., et al.*, Los Angeles County Superior Court case number LC103475.

30. On March 11, 2016, the court held a case management conference. Respondent did not appear. The court issued an order to show cause why sanctions, including dismissal, should not be imposed and set a hearing date of April 28, 2016. Respondent received the order.

31. On April 28, 2016, the matter was called for hearing. Respondent appeared. The court discharged the order to show cause regarding dismissal and sanctions, and issued an order to show cause regarding failure to file a default judgment with a hearing set for June 15, 2016.

32. On May 27, 2016, respondent filed a request to enter default judgment against the defendants.

33. On May 31, 2016, the court rejected respondent's request for entry of default judgment due to unspecified issues with the judgment package.

34. On June 15, 2016, the matter was called for hearing. Respondent did not appear. The matter was continued to June 29, 2016.

35. On June 29, 2016, the matter was called for hearing. Respondent appeared and represented to the court that the default would be corrected. The order to show cause regarding dismissal was continued to August 12, 2016.

36. On August 12, 2016, the matter was called for hearing. Respondent called the court prior to the hearing stating she was ill and unable to appear. The court issued an order to show cause regarding sanctions against respondent for her failure to appear and resubmit a request for entry of default. The matter was set for hearing on September 15, 2016.

37. On September 15, 2016, the matter was called for hearing. Respondent appeared and represented to the court that she would submit a corrected judgment package in connection with the request for entry of default filed May 27, 2016. Based on respondent's representations, the court discharged the order to show cause regarding sanctions. The court issued an order to show cause regarding failure to perfect default judgment and set a hearing date of November 2, 2016.

38. On November 2, 2016, the matter was called for hearing. Respondent appeared. The court admonished respondent for failing to perfect the default judgment despite being granted multiple

continuances. The court issued an order to show cause regarding dismissal and set the matter for hearing on December 1, 2016. Respondent received the order.

39. On December 1, 2016, the matter was called for hearing. Respondent did not appear. The court issued an order to show cause regarding sanctions against respondent for failing to appear and set a hearing date of January 26, 2017. Respondent received the order.

40. On January 26, 2017, the matter was called for hearing. Respondent did not appear. The court issued an order to show cause regarding sanctions and dismissal and set a hearing date of October 24, 2017. Respondent was ordered to appear and show cause why sanctions in the amount of \$500 should not be imposed for her failure to appear. Respondent received the order.

41. On May 26, 2017, respondent filed a request for entry of default and request for entry of judgment against the defendants.

42. On June 1, 2017, the default against the defendants was entered, but not the judgment.

43. On October 24, 2017, the matter was called for hearing. Respondent did not appear, but called the court on the morning of the hearing stating she could not appear in person but could appear by Court Call. The court advised respondent that Court Call was not permitted on an order to show cause regarding sanctions. The court ordered respondent to pay \$500 in sanctions within thirty days, i.e., by November 23, 2017. The court set an order to show cause regarding failure to submit default judgment and proof of payment of sanctions for January 2, 2018. The court ordered that the default judgment package must be submitted to the court five (5) court days prior to the hearing, i.e., by December 26, 2017. The court warned that if respondent did not appear or submit a default package the case would be dismissed at the next hearing. Respondent received the order.

44. Respondent did not pay the sanctions by November 23, 2017.

45. On December 26, 2017, respondent lodged with the court a default package.

46. On January 2, 2018, the matter was called for hearing. Respondent did not appear in person, but called the court on December 28, 2017 requesting to appear by Court Call. The court again advised respondent that Court Call was not permitted for an order to show cause regarding sanctions. Respondent had not paid the sanctions ordered on October 24, 2017. The court denied respondent's default package submitted on December 26, 2017. The court issued an order to show cause why respondent should not be sanctioned an additional \$500 for failing to pay the previously ordered sanctions, an order to show cause regarding dismissal, and set a hearing for February 2, 2018. The court ordered respondent to personally appear at the February 2, 2018 hearing. Respondent received the order.

47. On February 1, 2018, a substitution of attorney was filed on behalf of Mr. Rosales substituting new counsel for Mr. Rosales in place of respondent. The substitution of attorney was signed by Mr. Rosales on January 12, 2018, by Mr. Rosales' new counsel on January 23, 2018, and by respondent on January 16, 2018.

48. On February 2, 2018, respondent paid the \$500 sanction ordered on October 24, 2017.

49. On February 2, 2018, the matter was called for hearing. Respondent did not appear. Mr. Rosales' new counsel did not appear. The court ordered the case dismissed without prejudice.

50. On March 7, 2018, Mr. Rosales' new counsel filed a motion requesting the dismissal be set aside based on the grounds of mistake and inadvertence.

51. On April 4, 2018, the court granted Mr. Rosales' motion to vacate the dismissal and referred the matter to the State Bar.

CONCLUSIONS OF LAW:

52. Respondent disobeyed an order of the court in willfull violation of Business and Professions Code section 6103 by failing to comply with the court's January 26, 2017 order to show cause requiring respondent to appear in court on October 24, 2017.

53. Respondent disobeyed an order of the court in willfull violation of Business and Professions Code section 6103 by failing to comply with the court's October 24, 2017 order to show cause requiring respondent to appear in court on January 2, 2018.

54. Respondent disobeyed an order of the court in willfull violation of Business and Professions Code section 6103 by failing to timely comply with the court's October 24, 2017 order requiring respondent to pay sanctions in the amount of \$500 within thirty days of the order.

55. Respondent disobeyed an order of the court in willfull violation of Business and Professions Code section 6103 by failing to comply with the court's January 2, 2018 order to show cause requiring respondent to personally appear in court on February 2, 2018.

56. Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willfull violation of Rules of Professional Conduct, former rule 3-110(A) by: failing to appear at the court conferences and hearings held on June 15, 2016, August 12, 2016, December 1, 2016, January 26, 2017, October 24, 2017, January 2, 2018 and February 2, 2018.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Effective October 27, 2018, the Supreme Court ordered in State Bar Case number 17-O-01680, et al. (S249523) that respondent be suspended from the practice of law in California for one year, that execution of the suspension be stayed, and that respondent be placed on probation for two years with conditions including a ninety day actual suspension. In this matter, respondent stipulated to eleven commingling violations over the course of one year. The misconduct occurred between July 2016 and June 2017. Respondent's misconduct was mitigated by the absence of a prior record of discipline, lack of harm, and entering into a pre-trial stipulation. In aggravation, respondent committed multiple acts of misconduct.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent engaged in multiple acts of misconduct in two client matters over the course of two years, which include respondent's failures to appear at eleven court conferences and hearings, improper withdrawal without court permission, failure to report sanctions, and failure to obey four court orders. Respondent's multiple acts of misconduct are an aggravating circumstance.

Significant Harm to a Client and the Administration of Justice (Std. 1.5(j)): Respondent's misconduct caused significant harm to Mr. Rodriguez, whose case was dismissed with prejudice. (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646 [attorney's failure to prosecute his client's personal injury case deprived the client of her ability to receive any damages at all, and this harm is significant even if the amount of damages would have been relatively modest].) Respondent's failures to perform competently and obey court orders wasted significant judicial resources, leading the court to issue continuances, orders to show cause, and sanctions against respondent.

MITIGATING CIRCUMSTANCES.

Extreme Physical Difficulties: In September 2016, respondent sought treatment for severe abdominal pain, nausea, and vomiting. Respondent underwent diagnostic testing, which included extensive laboratory testing, endoscopy, and colonoscopy. Respondent was diagnosed with Barrett's esophagus, eosinophilic esophagitis, and H. Pylori. From early 2017 through early 2018, Respondent was given multiple courses of antibiotics and participated in multiple medical trials which did not produce a significant improvement in her symptoms until April 2018. Respondent's treating physician, Dr. Ari Nowain, MD, reported that from late 2016 to early 2018, respondent suffered from vomiting and diarrhea related to her treatments which caused fatigue and near syncope. Dr. Nowain reported that respondent was frequently unable to work during this time due to her treatments. In January 2019, Dr. Nowain reported that respondent's symptoms have now abated due to successful diet and medication management. Dr. Nowain stated that with continued treatment respondent is able to return to her law practice at full capacity. (See *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, 242 [mitigative credit given for emotional difficulties which have been brought under control through medical treatment].)

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re 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 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 2.12(a) which provides: “Disbarment or actual suspension is the presumed sanction for disobedience or violation of a court order related to the member’s practice of law, the attorney’s oath, or the duties required of an attorney under Business and Professions Code section 6068(a)(b)(d)(e)(f) or (h).”

Respondent has a prior record of discipline, and therefore Standard 1.8(a) is implicated. Standard 1.8(a) states: “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.”

However, strict adherence to Standard 1.8(a) is not mandated given that respondent committed the misconduct in this matter between March 2016 and February 2018, which overlaps with the misconduct committed in her prior discipline. Respondent signed the stipulation in her prior discipline on April 18, 2018. By that time, respondent had committed all of the misconduct in the present matter. Further, respondent’s prior misconduct involves the commingling of funds in her client trust account, while the present misconduct does not involve client funds. Since all of respondent’s misconduct in this matter occurred before respondent had the opportunity to heed the import of her prior, its aggravating weight is diminished.

As such, it is appropriate to consider the prior discipline and the current misconduct together to determine the appropriate level of discipline as set forth in *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602. In *Sklar*, an attorney with prior discipline was involved in a second disciplinary proceeding involving misconduct which occurred during the same time period as his prior misconduct. The court acknowledged that “...part of the rationale for considering a prior discipline as having an aggravating impact is that is indicative of a recidivist attorney’s inability to conform his or her conduct to ethical norms [citation]. It is therefore appropriate to consider the fact that the misconduct involved here was contemporaneous with the misconduct in the prior case.” (*Id.* at p. 619.) In *Sklar*, the court concluded that it was appropriate to consider the totality of the misconduct in the attorney’s prior discipline and the pending matters to determine what discipline was appropriate had all the misconduct been brought together rather than separately.

A similar rationale and application is appropriate here. In respondent’s prior discipline, she received a one-year stayed suspension, with two years of probation and a ninety-day period of actual suspension.

Considering the totality of the findings in respondent's prior discipline and the present matter, a period of actual suspension of six months would have been warranted had all the misconduct been brought together rather than separately. Accordingly, in this matter, a two-year period of stayed suspension, with two years of probation and a ninety-day period of actual suspension is appropriate.

Case law supports this level of discipline. In *Harris v. State Bar* (1990), 51 Cal. 3d 1082, the California Supreme Court ordered a three-year period of stayed suspension, with three years of probation including a ninety-day actual suspension for an attorney who abandoned a client in one matter where significant factors in aggravation were found, including the attorney's lack of candor and failure to appreciate the danger of her actions to the client. The attorney in *Harris* was granted limited mitigation by the court for her debilitating illness.

Respondent's misconduct is similar to that of the attorney in *Harris*, but occurred in two client matters, as opposed to one. Respondent committed additional misconduct not present in *Harris*, including failing to report sanctions and failing to obey court orders. Respondent's conduct is aggravated by significant harm to a client and the administration of justice and her multiple acts of misconduct. Respondent's misconduct in the two client matters herein is mitigated by her extreme physical difficulties and acknowledgement of wrongdoing by entering into this prefiling stipulation. Respondent has already been placed on a ninety-day actual suspension in connection with her prior discipline. Accordingly, an additional ninety-day period of actual suspension with a medical treatment condition is appropriate in this case.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 4, 2019, the discipline costs in this matter are approximately \$4,353. 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.

(Do not write above this line.)

In the Matter of: SARA ELIOT	Case Number(s): (OCTC case nos. 17-O-07027; 18-O-13126)
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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>4-15-2019</u> Date	 Respondent's Signature	Sara Eliot Print Name
<u>4-18-2019</u> Date	 Respondent's Counsel Signature	Susan Margolis Print Name
<u>4-19-2019</u> Date	 Deputy Trial Counsel's Signature	Terese Laubscher Print Name

(Do not write above this line.)

In the Matter of: SARA ELIOT	Case Number(s): SBC-19-O-30167 (OCTC case nos. 17-O-07027; 18-O-13126)
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ACTUAL SUSPENSION ORDER

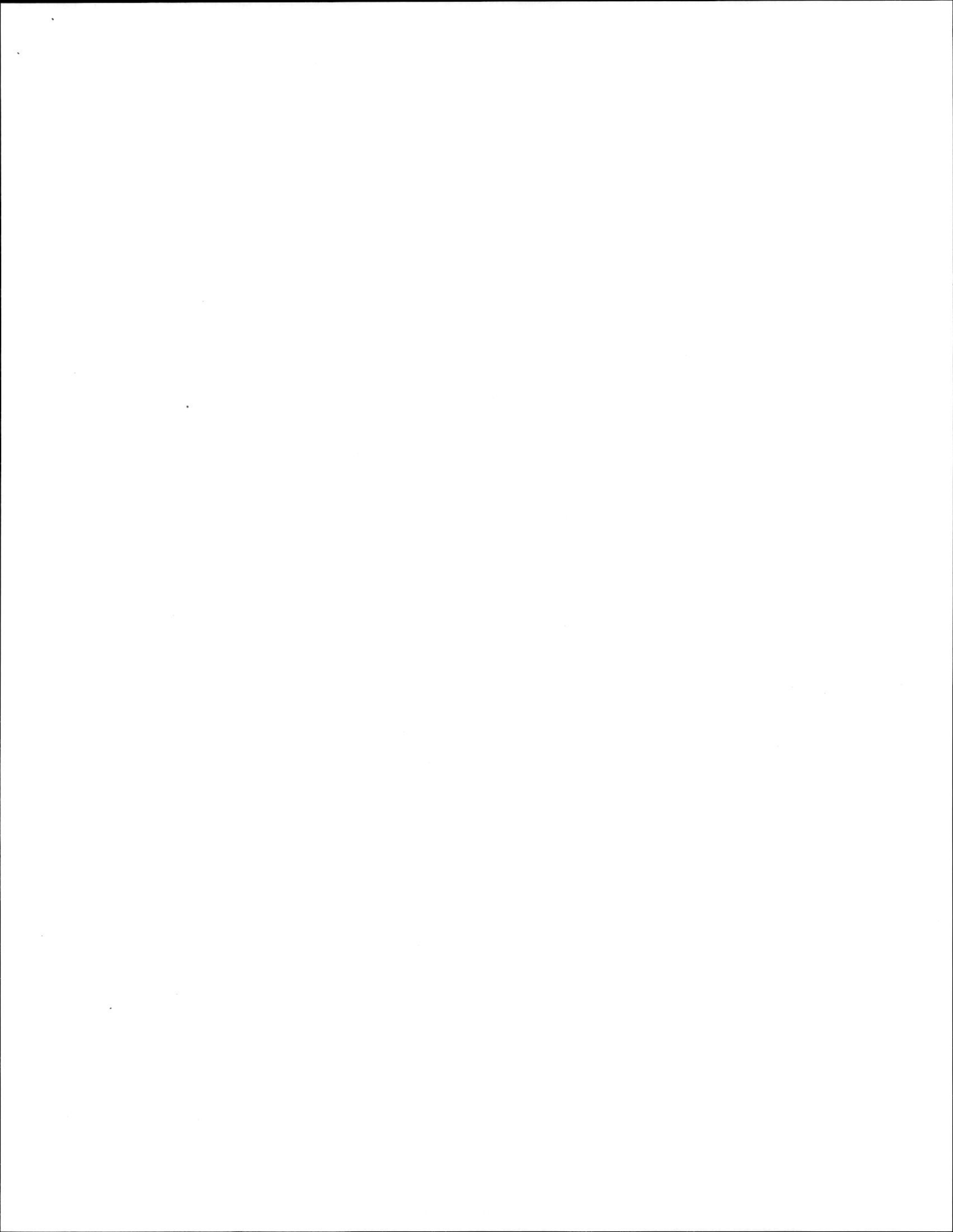
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order.** (See Cal. Rules of Court, rule 9.18(a).)

May 15, 2019
Date


REBECCA MEYER ROSENBERG, JUDGE PRO TEM
Judge of the State Bar Court



**SUPREME COURT
FILED**

SEP 27 2018

(State Bar Court Nos. 17-O-01680 (17-O-03667))

Jorge Navarrete Clerk

S249523

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re SARA ELIOT on Discipline

The court orders that Sara Eliot, State Bar Number 230157, is 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 two years subject to the following conditions:

1. Sara Eliot is suspended from the practice of law for the first 90 days of probation;
2. Sara Eliot 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 May 3, 2018; and
3. At the expiration of the period of probation, if Sara Eliot has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Sara Eliot 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).)

Sara Eliot must also comply with California Rules of Court, rule 9.20, 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 this order. Failure to do so may result in disbarment or suspension.

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-half of the costs must be paid with her membership fees for each of the years 2019 and 2020. If Sara Eliot 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.

CANTIL-SAKAUYE
Chief Justice

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

_____ day of **SEP 27 2018** 20____

By: _____
Deputy

ORIGINAL

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Terese Laubscher 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1239 Bar # 272207	Case Number(s): 17-O-01680 17-O-03667	For Court use only <div style="text-align: center; font-size: 24pt; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold;">MAY 03 2018</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
Counsel For Respondent Arthur Margolis 2000 Riverside Drive Los Angeles, CA 90039 (323) 953-8996 Bar # 57703	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: SARA ELIOT Bar # 230157 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 **February 20, 2004**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (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 §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two (2) billing cycles following the effective date of the Supreme Court Order.** (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 at page 11.
- (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. See Attachment at page 11.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

(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:

No Prior Record of Discipline, see Attachment at page 11.
Pretrial Stipulation, see Attachment at page 11.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one (1) 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 **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 **ninety (90) 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:

- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" 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:
- (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:**

(Do not write above this line.)

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
 - b. Respondent has kept and maintained the following:
 - i. A written ledger for each client on whose behalf funds are held that sets forth:
 - 1. the name of such client;
 - 2. the date, amount and source of all funds received on behalf of such client;
 - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 - 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 - 1. the name of such account;
 - 2. the date, amount and client affected by each debit and credit; and,
 - 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
 - c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
 - i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

(Do not write above this line.)

d. Client Trust Accounting School

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

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: SARA ELIOT
CASE NUMBERS: 17-O-01680; 17-O-03667

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-01680 (State Bar Investigation)

FACTS:

1. During the relevant time period, respondent maintained a client trust account at U.S. Bank, account no. xxxx9094 ("U.S. Bank CTA").
2. Between July 22, 2016 and March 20, 2017, respondent issued the following payments from her U.S. Bank CTA for the payment of personal expenses:

<u>DATE</u>	<u>PAYMENT TYPE</u>	<u>PAYEE</u>	<u>AMOUNT</u>
07/22/2016	Check #0000	California Worker Advocates	\$4,000.00
08/23/2016	Check #344	California Worker Advocates	\$3,000.00
09/20/2016	Check #349	California Worker Advocates	\$3,000.00
10/24/2016	Check #362	California Worker Advocates	\$3,000.00
11/17/2016	Check #367	California Worker Advocates	\$16,000.00
12/30/2016	Check #436	California Worker Advocates	\$4,500.00
01/23/2017	Check #441	California Worker Advocates	\$2,000.00
01/31/2017	Online payment	Macy's	\$100.00
02/14/2017	Check #446	California Worker Advocates	\$4,000.00
02/27/2017	Online payment	Macy's	\$700.00
03/03/2017	Check #449	California Worker Advocates	\$4,000.00
03/20/2017	Online payment	Macy's	\$100.00

CONCLUSIONS OF LAW:

3. By issuing nine checks and authorizing online payments from her U.S. Bank CTA for the payment of personal expenses, respondent willfully violated Rules of Professional Conduct, rule 4-100(A).

Case No. 17-O-03667 (State Bar Investigation)

FACTS:

4. During the relevant time period, respondent maintained a client trust account at U.S. Bank, account no. xxxx9094 ("U.S. Bank CTA").

5. Between June 13, 2017 and June 15, 2017, respondent issued the following checks from her U.S. Bank CTA for the payment of personal expenses:

<u>DATE</u>	<u>PAYMENT TYPE</u>	<u>PAYEE</u>	<u>AMOUNT</u>
06/13/2017	Check #373	California Worker Advocates	\$4,800.00
06/15/2017	Check #374	California Worker Advocates	\$4,800.00

CONCLUSIONS OF LAW:

6. By issuing two checks from her U.S. Bank CTA for the payment of personal expenses, respondent willfully violated Rules of Professional Conduct, rule 4-100(A).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Over the course of one year, respondent issued eleven checks and authorized online payments from her client trust account for the payment of personal expenses. Respondent's multiple acts of misconduct are an aggravating circumstance.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: On February 20, 2004 the State Bar of California admitted respondent to the practice of law in California. At the time of the misconduct, respondent had practiced law in California for twelve years without discipline, though she was on voluntary inactive status for approximately a year and a half of that time. Respondent's approximately ten years of discipline free practice is worth significant weight in mitigation. (See *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [attorney's ten years of discipline-free practice warranted significant weight in mitigation].)

No Harm (Std. 1.6(c)): There is no evidence of any harm to a client, a court, or the administration of justice.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the

standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

The sanction for commingling is found in Standard 2.2(a) which states: "Actual suspension of three months is the presumed sanction for commingling or failure to promptly pay out entrusted funds."

To determine the appropriate level of discipline, consideration must be given to the aggravating and mitigating circumstances. In aggravation, respondent committed multiple violations. The factors in mitigation are respondent's discipline free record, no harm, and entering into a pretrial stipulation. The balance of these factors do not support a deviation from the Standards.

Case law also supports this level of discipline. In *Kelly v. State Bar* (1991) 53 Cal.3d 509, the Supreme Court was confronted with an attorney who deposited client funds into his general account, wrote a check on insufficient funds from his client trust account, and misappropriated \$750 from a client. The Court found that the misappropriation did not stem from deceit and that there was an absence of harm with regard to the insufficient check and the commingling. Given the above, as well as mitigation for thirteen years of practice without prior discipline, the Court ordered a three year stayed suspension and a three year probation with conditions including an actual suspension of 120 days.

Respondent's commingling is similar to the conduct in *Kelly*. However, the misconduct in *Kelly* also included misappropriation of funds and failure to promptly return client funds which is not present here. Factors in mitigation are roughly equivalent with respondent and the *Kelly* attorney both having discipline-free practices. On balance, given that misappropriation is not present and there is no failure to return fees, a level of discipline slightly less than that imposed in *Kelly* is appropriate. An adequate level of discipline to fulfill the purposes of attorney discipline is one year stayed suspension, two years' probation, and ninety days actual suspension including attendance at Client Trust Accounting school.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 5, 2018, the discipline costs in this matter are \$4,784. 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


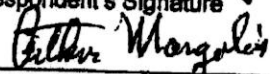
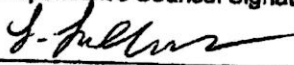
Respondent may not receive MCLE credit for completion of State Bar Ethics School and State Bar Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: SARA ELIOT	Case number(s): 17-O-01680 17-O-03667
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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>4-18-2018</u> Date	 Respondent's Signature	<u>Sara Eliot</u> Print Name
<u>4/19/18</u> Date	 Respondent's Counsel Signature	<u>Arthur Margolis</u> Print Name
<u>4-19-18</u> Date	 Deputy Trial Counsel's Signature	<u>Terese Laubscher</u> Print Name

(Do not write above this line.)

In the Matter of: SARA ELIOT	Case Number(s): 17-O-01680 17-O-03667
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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.)**

May 3, 2018
Date

Cynthia Valenzuela
CYNTHIA VALENZUELA
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a 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 Los Angeles, on May 3, 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 Los Angeles, California, addressed as follows:

ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

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

TERESE E. LAUBSCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 3, 2018.



Mazie Yip
Court Specialist
State Bar Court



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 March 7, 2019
State Bar Court, State Bar of California,
Los Angeles

By *[Signature]*
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 Los Angeles, on May 14, 2019, I deposited a true copy of the following document(s):

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

in a sealed envelope for collection and mailing on that date as follows:

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

SUSAN LYNN MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

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

TERESE LAUBSCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 14, 2019.



Marc Krause
Court Specialist
State Bar Court