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**State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION**

Counsel for the State Bar

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Bar # 297430

Case Number(s):
18-H-12280

For Court use only

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PUBLIC MATTER

Bar # 124510

Submitted to: **Settlement Judge**

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

In the Matter of:
LAUREN NICOLE CHAIKIN

ACTUAL SUSPENSION

Bar # 297105

PREVIOUS STIPULATION REJECTED

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 **May 28, 2014**.
- (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 **17** 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."

(Effective July 1, 2018)

- (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-third of the costs must be paid with Respondent's membership fees for each of the following years: 2019, 2020, 2021.
- 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: **15-C-14134. See page 13, and Exhibit 1 (12 pages).**
 - (b) Date prior discipline effective: **January 11, 2017.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Business & Professions Code, sections 6101 & 6102.**
 - (d) Degree of prior discipline: **Private Reproval with Public Disclosure.**
 - (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.

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- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of 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 page 13-14.**
- (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:

n/a

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.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (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. **See page 14.**
- (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. **See page 14.**
- (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:

Pre-Trial Stipulation. See page 14.

D. Recommended Discipline:

- (1) **Actual Suspension:**

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

- Respondent must be suspended from the practice of law for the first **30 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.

- 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:

- (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

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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 attended Ethics School on June 5, 2018 and passed the test given at the end of the session. (See rule 5.135(A), Rules Proc. of State Bar [attendance at Ethics School not required where the attorney completed Ethics School within the prior two years].)**
- (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.
- (12) **Minimum Continuing Legal Education (MCLE):** Within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete _____ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in **SELECT ONE** _____ and must

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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 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.

- (13) **Other:** Respondent must also comply with the following additional conditions of probation:
- (14) **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15) **The following conditions are attached hereto and incorporated:**
- Financial Conditions Medical Conditions
- Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

F. Other Requirements Negotiated by the Parties (Not Probation Conditions):

- (1) **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination 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 requirement.
- (2) **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because **respondent has already taken the MPRE on August 11, 2018, and received a passing scaled score of 86 as part of a previous disciplinary proceeding (see In the Matter of Trousil (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244; In the Matter of Seltzer (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 263, 272, fn. 7).**
- (3) **California Rules of Court, Rule 9.20:** 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 30 and 40 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.

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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:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LAUREN CHAIKIN

CASE NUMBER: 18-H-12280

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. 18-H-12280 (State Bar Investigation)

FACTS:

1. Respondent was admitted to the practice of law in the State of California on May 28, 2014, and since that time has been a member of the State Bar of California.
2. On September 15, 2016, in State Bar Court Case No. 15-C-14134, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed.
3. The Office of Chief Trial Counsel ("OCTC") and respondent agreed to a stipulation in Case No. 15-C-14134 after respondent was assured by the Deputy Trial Counsel assigned to that matter that, while the discipline would be a "public" private reproof, the stipulation itself would not be available online.
4. On December 21, 2016, the State Bar Court approved a stipulation between respondent and OCTC, wherein respondent received a private reproof with public disclosure, effective January 11, 2017. The reproof was published on respondent's State Bar profile online.
5. The reproof required that respondent contact the Office of Probation within thirty days of the effective date and schedule a meeting to discuss the terms and conditions of her reproof; submit quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period; attend ethics school and provide proof of passage of the related exam within one year of the effective date; and provide proof of passage of the MPRE within one year of the effective date.
6. On January 10, 2017, a courtesy reminder letter was uploaded to respondent's membership profile and an email from the Office of Probation regarding the courtesy reminder letter was sent to respondent.
7. The January 10, 2017 letter reminded respondent that the terms and conditions of her reproof would become effective on January 11, 2017, and that that she must comply with all the terms and conditions as outlined in the portion of the reproof included with the letter.
8. On March 27, 2017, the Office of Probation mailed respondent a non-compliance letter regarding her failure to contact the Office of Probation by February 10, 2017 to schedule the required meeting.

9. The parties exchanged emails on the topic on April 6, 2017 and the meeting was held on April 7, 2017.

10. Respondent then properly filed her first quarterly report on April 10, 2017, noting that she was registered to take the MPRE on August 12, 2017.

11. Respondent incorrectly represented that she had been in compliance with all conditions of her reproof in the April 10, 2017 report, because she had failed to meet the February 10, 2017 deadline to contact the office of Probation to set up her initial meeting.

12. In May 2017, respondent discovered that the stipulation in Case No. 15-C-14134 was available online. Following this discovery, the Deputy Trial Counsel assigned to that matter informed respondent that she could file a motion for relief from the stipulation and that the Office of Chief Trial Counsel would not oppose that motion.

13. On July 10, 2017, while out of town, respondent emailed her second quarterly report, due that day, to the State Bar Court.

14. On July 11, 2017, the State Bar Court notified respondent that she needed to contact the Office of Probation to file the second quarterly report.

15. On July 11, 2017, respondent emailed her second quarterly report to the Office of Probation.

16. In the July 11, 2017 report, respondent failed to report her Underlying Criminal Probation Matter compliance.

17. The Office of Probation emailed respondent about her non-compliant report on July 13, 2017.

18. Her complete report was then filed on July 18, 2017, after she returned from out of town, although it remained non-compliant due to lateness.

19. Respondent incorrectly represented that she had been in compliance with all conditions of her reproof in the July 11, 2017 report, because she had failed to file it on time.

20. On October 9, 2017, respondent emailed her third quarterly report to the Office of Probation and included a copy of her June 9, 2017 email correspondence from OCTC regarding the suggestion that she file a motion to be relieved from the stipulation.

21. On January 10, 2018, the Office of Probation received respondent's final quarterly report by email.

22. The January 10, 2018 report was deemed to be non-compliant because the reporting period and her compliance with the State Bar Act and Rules were not clear due to the fact that respondent added handwritten notes regarding her compliance and/or non-compliance with the State Bar Act, Rules, and the terms and conditions of reproof, while also failing to mark which reporting period the report covered (instead respondent wrote in "Jan 10, 2018 & Jan 11, 2018").

23. In the January 10, 2018 report, respondent incorrectly stated that she had been in compliance with all conditions of her reproof in this report, because she had not provided proof of passage of the MPRE or for the test associated with attending ethics school within one year of the effective date of her discipline.

24. On January 18, 2018, the Office of Probation sent a non-compliance letter to respondent.

25. The January 18, 2018 letter described the various instances of non-compliance to date, including the issues with the January 10, 2018 report and respondent's failure to submit a final report, due January 11, 2018, or any proof regarding ethics school or the MPRE.

26. Respondent confirmed her receipt of the January 18, 2018 non-compliance letter and on February 1, 2018 asked for advice about how to proceed.

27. Respondent filed a motion for relief from her stipulation on January 24, 2018, which the court accepted. As discussed previously with respondent, OCTC did not oppose the motion.

28. On February 15, 2018, the Office of Probation declined to provide requested legal advice, apart from stating that respondent should comply with the ordered conditions.

29. On February 27, 2018, the State Bar Court denied respondent's motion for relief.

CONCLUSIONS OF LAW:

30. By failing to timely contact the Office of Probation by February 10, 2017; to timely file three probation reports due July 10, 2017, January 10, 2018, and January 11, 2018; and to timely file proof of passage of the MPRE, completion of ethics school, and passage of the test associated with attending ethics school by January 11, 2018, respondent willfully violated Rules of Professional Conduct, rule 1-110.

31. By incorrectly reporting, in reports submitted on April 10, 2017, October 9, 2017, and January 10, 2018, that she was in compliance with the State Bar Act, the Rules of Professional Conduct, and the conditions of her reproof, respondent committed acts of gross negligence in violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior record of discipline which is not remote in time. In Case No. 15-C-14134, effective January 11, 2017, respondent received a private reproof with public disclosure based upon her conviction on a misdemeanor for disorderly conduct involving public intoxication. This reproof, with its supporting stipulation, was published on respondent's online member profile. OCTC had previously and mistakenly informed respondent that the detailed facts underlying the reproof would not be published. On January 24, 2018, respondent filed an unopposed motion seeking relief from the stipulation or, in the alternative, to withdraw from the stipulation. On February 27, 2018, the State Bar Court denied respondent's motion.

Multiple Acts of Wrongdoing (Std. 1.5(b)): From February 2017 to present, respondent committed seven acts of misconduct by failing to comply with four conditions of her reproof (i.e., to contact probation to set up a required meeting, to file timely and complete quarterly reports, to submit proof of attending ethics school as well as passage of the related test, and to submit proof of passage of the MPRE) and by making three misrepresentations in her reproof reports (incorrectly stating that she had complied with all terms and conditions when she had not timely contacted the Office of Probation, filed compliant reports, attended ethics school, and/or passed the MPRE). (*In the Matter of Carver* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 348 [multiple acts found where attorney violated three

separate conditions, but giving modest weight because all violations fell within one reproof]; see also *In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523 [when attorney commits multiple violations of same condition, gravity of each successive violation increases so last violation warranted greatest level of discipline].)

MITIGATING CIRCUMSTANCES.

Pre-Trial Stipulation: Respondent has cooperated with the State Bar by entering into this comprehensive stipulation as to facts, conclusions of law, and disposition, thereby eliminating the necessity of a trial and preserving State Bar and State Bar Court time and resources. This cooperation is a factor in mitigation. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156.)

Extreme Emotional, Physical, or Mental Difficulties and Disabilities (Std. 1.6(d)): Dr. Rustin Berlow began treating respondent on June 19, 2018. In his July 9, 2018 declaration, Dr. Berlow stated that he conducted a multi-hour exam with respondent and reviewed her medical records from her prior doctor, Dr. Rodrigo Munoz. Dr. Berlow diagnosed respondent as suffering from Major Depressive disorder in remission-moderate, Attention Deficit, inattentive type in remission. Dr. Berlow concluded that respondent's condition played a role in the misconduct described in this matter, but that she now has these issues under control.

Extraordinary Good Character (Std. 1.6(f)): Respondent produced 10 declarations from a wide-range of references in the legal and general communities. Each of these references stated that they are aware of the full extent of the misconduct alleged and attested to respondent's good character. Included among these declarations were descriptions of respondent's charitable works and donations.

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).)

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

The most severe sanction applicable to respondent's misconduct is found in standard 2.11, which applies to respondent's violations of Business and Professions Code, section 6106. Standard 2.11 provides that disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member's practice of law.

Next, Standard 1.8(a) provides that if respondent has a record of one prior discipline, the discipline imposed for the current misconduct must be greater than the previous discipline 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." Here, respondent's prior discipline (a private reproof with public disclosure) became effective on January 11, 2017. Her current misconduct began on February 10, 2017 when she failed to contact the Office of Probation as required. As a result, respondent's prior discipline is not remote. Although the underlying misconduct supporting the reproof did not involve moral turpitude or the practice of law, greater discipline in the form of an actual suspension of thirty days is not manifestly unjust.

Such a result is supported by case law as well. (See, e.g., *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567 [thirty day actual suspension for attorney with one prior record of misconduct who belatedly completed one probation condition where balance of mitigation and aggravation favored shorter suspension].)

Thus, pursuant to Standards 1.8(a) and 2.11, relevant case law, and an evaluation of the aggravating and mitigating circumstances, a thirty-day actual suspension is appropriate. Without being manifestly unjust, such a suspension will ensure respondent appreciates the seriousness of complying with her ethical duties and the importance of honesty, as well as serve the purposes of discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of August 29, 2018, the discipline costs in this matter are \$3,300. 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

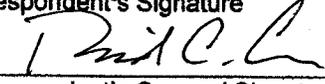
Respondent may not receive MCLE credit for completion of **State Bar Ethics School, which was ordered as a condition of respondent's prior reproof.** (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: LAUREN NICOLE CHAIKIN	Case Number(s): 18-H-12280
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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>9/7/18</u> Date	 Respondent's Signature	<u>Lauren N. Chaikin</u> Print Name
<u>9/14/18</u> Date	 Respondent's Counsel Signature	<u>David C. Carr</u> Print Name
<u>9/18/18</u> Date	 Deputy Trial Counsel's Signature	<u>Andrew J. Vasicek</u> Print Name

(Do not write above this line.)

In the Matter of: LAUREN NICOLE CHAIKIN	Case Number(s): 18-H-12280
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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.

On page 1 of the stipulation, at paragraph A.(3), line 3, "17" is deleted, and in its place is inserted "16".

On page 2 of the Stipulation, at paragraph A.(8), the checked box, line 4, "2019, 2020, 2021" is deleted, and in its place is inserted "2020, 2021, and 2022".

On page 2 of the Stipulation, at paragraph B.(1)(a), "(12 pages)" is deleted, and in its place is inserted "(14 pages)."

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).)

OCT 17, 2018
Date


LUCY ARMENDARIZ
Judge of the State Bar Court

(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles
REPROVAL

ORIGINAL

<p>Counsel For The State Bar</p> <p>Jamie Kim Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1182</p> <p>Bar # 281574</p>	<p>Case Number(s): 15-C-14134-DFM</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED <i>so</i> DEC 21 2016</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Lauren Nicole Chaikin 4275 Executive Square Suite 200 La Jolla, CA 92037 (858) 522-0714</p> <p>Bar # 297105</p>	<p>NOT FOR PUBLICATION</p> <p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: LAUREN NICOLE CHAIKIN</p> <p>Bar # 297105</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 May 28, 2014.
- (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 11 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."

(Effective April 1, 2016)

Reproval

mjd

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
 - Case ineligible for costs (private reproof).
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) Prior record of discipline
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline

(Do not write above this line.)

- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. See attachment, see page 8.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigation and proceedings.

(Do not write above this line.)

- (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.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. See attachment, see page 8.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Emotional Difficulties, see page 8.
Pretrial Stipulation, see page 8.

D. Discipline:

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

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of one year.

(Effective April 1, 2016)

(Do not write above this line.)

- (2) During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (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 reproof. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the reproof conditions period, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.
- In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.
- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of reproof with the probation monitor to establish a manner and schedule of compliance. During the reproof conditions period, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reproof.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reproof.
- No MPRE recommended. Reason:
- (11) The following conditions are attached hereto and incorporated:

(Effective April 1, 2016)

(Do not write above this line.)

Substance Abuse Conditions

Law Office Management Conditions

Medical Conditions

Financial Conditions

F. Other Conditions Negotiated by the Parties:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LAUREN NICOLE CHAIKIN
CASE NUMBER: 15-C-14134-DFM

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which she was convicted involved other misconduct warranting discipline.

Case No. 15-C-14134 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On August 6, 2015, the Office of the City Attorney of the City of San Diego, filed a misdemeanor complaint in San Diego County Superior Court, Case No. M203196, charging respondent with two counts of violating Penal Code section 242 [battery].
3. On March 11, 2016, respondent pled guilty to one count of violating Penal Code section 647(f) [disorderly conduct, public intoxication], a misdemeanor. The court dismissed the two counts of violating Penal Code section 242. The court accepted respondent's plea and sentenced her to three years of summary probation, ordered respondent to enroll in a McDonald program for substance abused and ordered her to stay away from the Bootlegger Bar.
4. On September 15, 2016, in State Bar Court Case No. 15-C-14134, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

5. On July 3, 2015, at approximately 12:30 a.m., respondent engaged in disorderly conduct and was intoxicated while in public. At this time, respondent was at the Bootleggers Bar in San Diego, became intoxicated and entered into a verbal dispute with another female patron at the bar. Corey Hightower, the security doorman for Bootleggers Bar, then escorted respondent outside of the bar.
6. Once outside the bar, respondent pushed Robert Rodgers in the chest. Rodgers, who was the manager of the Bootleggers Bar, had been standing outside the bar. Respondent then attempted to punch Rodgers, who blocked respondent's swing and sustained no injuries. Hightower then came in between respondent and Rodgers, after which respondent punched Hightower in the face with a closed fist, causing Hightower to bleed from the nose.

7. Hightower and Rodgers then flagged down San Diego Police Department Officers Ochoa and Marino who were on patrol near the Bootleggers Bar. Hightower refused medical assistance and informed the officers that he did not think that his nose was broken during the incident with respondent. Rodgers informed the officers that respondent appeared to have been heavily intoxicated during the incident. Officers Ochoa and Marino placed respondent under arrest for two counts of battery and transported respondent to Las Colinas County Jail.

CONCLUSIONS OF LAW:

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

AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.5(j)): Respondent's misconduct caused physical harm to the victim by causing the victim to bleed from the nose.

MITIGATING CIRCUMSTANCES.

Good Character (Std. 1.6(f)): Eight character references, who are all aware of respondent's misconduct, attested to respondent's good character in letters. Respondent's character references have known respondent for a period of two to 32 years and represent a variety of backgrounds, including an attorney, entrepreneurs, psychologists and business owners.

Emotional, Physical, or Mental Difficulties and Disabilities: Dr. Rodrigo Munoz, a licensed psychiatrist, was treating respondent at the time of the misconduct for emotional difficulties. In a report dated November 9, 2016, Dr. Munoz stated that respondent's underlying misconduct on July 3, 2015 was caused by severe post-traumatic stress disorder ("PTSD"), which developed after respondent experienced a violent assault on February 2, 2015. On February 2, 2015, respondent had been assaulted at night by three individuals, one of whom pinned her to the ground while two others kicked and punched respondent. Dr. Munoz also stated that respondent developed severe clinical PTSD as a result of the February 2015 incident. Dr. Munoz stated that respondent reacted violently at the time of the July 3, 2015 misconduct because of the severe clinical PTSD. Dr. Munoz also stated that respondent has since rehabilitated from her PTSD after receiving psychotherapy treatment and taking prescribed medication and that respondent no longer poses a threat of violence. (*In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, 150 [emotional difficulties that cause misconduct warrants mitigation if the attorney no longer suffers from the difficulty].)

Pretrial Stipulation: Respondent has acknowledged her wrongdoing by entering into this stipulation prior to trial, which is entitled to mitigation for saving State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. Of State Bar, tit. IV, Stds. For

Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young, supra*, 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 mitigation circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.16(b) provides that a suspension or reproof is appropriate for a final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline. Moral turpitude has been defined as "an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." (*In re Fahey* (1973) 8 Cal.3d 842, 849.) A conviction for disorderly conduct or public intoxication does not involve moral turpitude per se and, even upon considering the facts and circumstances, has generally been held not to rise to the level of moral turpitude. (*In re Otto* (1989) 48 Cal.3d 970 [conviction for felony assault found not to involve moral turpitude].)

In this matter, respondent was convicted of a misdemeanor for disorderly conduct involving public intoxication. Respondent's crime was serious, but did not involve the practice of law and was an incident of misconduct stemming from respondent's intoxication. While the harm suffered by Hightower is aggravating, respondent's misconduct is also mitigated by emotional difficulties, good character and entry into a pretrial stipulation. Therefore, discipline on the lower end of Standard 2.16(b) is appropriate. A private reproof is appropriate to protect the public, courts and legal profession; maintain high professional standards by attorneys; and preserve public confidence in the legal profession. (Std. 1.1.)

Case law supports this level of discipline. In *In re Hickey* (1990) 50 Cal.3d 571, an attorney was convicted of violating Penal Code section 12025(b), carrying a concealed weapon. The facts and circumstances surrounding the conviction involved domestic violence. At a night club in Palm Springs, Hickey took out a loaded gun and hit his wife across the face with it. The wife left the night club and sought refuge at a neighbor's house. Hickey approached the neighbor's house and threatened his wife. Both the neighbor and his wife heard a gunshot fired outside the neighbor's home. Hickey had a prior arrest for domestic violence which was not referred for State Bar discipline, but heard by stipulation as part of the surrounding facts and circumstances. In the prior incident, Hickey had swung a punch at his

wife, missed, and then pushed her. When a bystander told him to stop, Hickey verbally assaulted the bystander, ripped a metal sign up from the ground and swung it at the bystander's head, who shielded his face with his hands, suffering a cut and bruises to his arms. While Hickey was being arrested, he threatened to get a gun and shoot the bystander and other witnesses. During the disciplinary proceeding, Hickey was also prosecuted for failing to properly withdraw from a client matter, as well as the conviction. The Court found that the attorney's criminal conduct did not involve moral turpitude, but did involve other misconduct warranting discipline and noted harm in aggravation. The court imposed discipline consisting of a three year stayed suspension, a three-year probation with conditions, including a 30-day actual suspension.

Like *Hickey*, respondent committed acts of violence. Respondent's conduct is less egregious than that in *Hickey* as the misconduct did not involve a weapon and respondent did not engage in misconduct as to representation of a client. This was also respondent's first incident of criminal violence, as opposed to the second in *Hickey*. Respondent's act of violence was on the whole much less severe than in *Hickey*, who pursued his victim from one location to the next. Respondent also has mitigation. Therefore, the level of discipline in this matter should be less severe than that in *Hickey*.

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

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

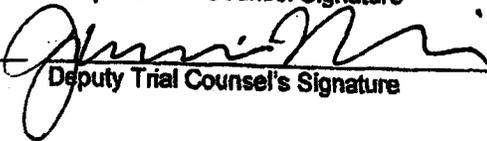
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In the Matter of: LAUREN NICOLE CHAIKIN	Case number(s): 15-C-14134-DFM
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SIGNATURE OF THE PARTIES

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.

12-5-16  Lauren Nicole Chaikin
Date Respondent's Signature Print Name

Date Respondent's Counsel Signature Print Name
12/5/16  Jamie Kim
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: LAUREN NICOLE CHAIKIN	Case Number(s): 15-C-14134-DFM
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REPROVAL ORDER

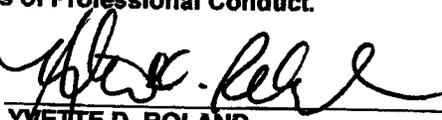
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) Otherwise the stipulation shall be effective 15 days after service of this order.

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

December 21, 2016
Date



YVETTE D. ROLAND
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on December 21, 2016, I deposited a true copy of the following document(s):

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

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

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

LAUREN N. CHAIKIN
4275 EXECUTIVE SQUARE
STE 200
LA JOLLA, CA 92037

COURTESY COPY TO:

LAUREN N. CHAIKIN
11366 CAMINO PLAYA CANCUN 4
SAN DIEGO, CA 92124

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

JAMIE J. KIM, Enforcement, Los Angeles
TERRIE GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 21, 2016.



Mazie Yip
Case Administrator
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 September 24, 2018
State Bar Court, State Bar of California,
Los Angeles

By 
Clerk

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 17, 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:

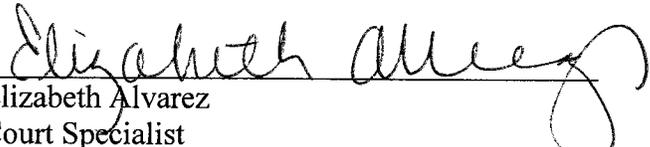
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID C. CARR
LAW OFFICE OF DAVID C. CARR
600 W BROADWAY
STE 700
SAN DIEGO, CA 92101 - 3370

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

Andrew J. Vasicek, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 17, 2018.


Elizabeth Alvarez
Court Specialist
State Bar Court