

**FILED****JUL 29 2008**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**PUBLIC MATTER**

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of )

**DARLA RAE ANDERSON,** )**Member No. 107563,** )A Member of the State Bar. )**Case No. 03-O-02481; 03-O-03802****DECISION AND ORDER FILING AND  
SEALING CERTAIN DOCUMENTS****PERTINENT PROCEDURAL HISTORY**

In 2004, respondent **Darla Rae Anderson** contacted the State Bar of California's Lawyer Assistance Program (LAP) to assist her with her mental health issue, and on June 3, 2004, respondent executed a Participation Agreement with the LAP.

Thereafter, respondent also sought to participate in the State Bar Court's Alternative Discipline Program (ADP). On June 23, 2005, respondent submitted a declaration to the court which established a nexus between her mental health issue and her misconduct. The parties entered into a Stipulation Re Facts and Conclusions of Law in July 2005. On September 23, 2005, the court lodged its Confidential Statement of Alternative Dispositions and Orders and the parties' Stipulation Re Facts and Conclusions of Law;<sup>1</sup> respondent and his counsel signed the Contract and Waiver for Participation in the State Bar Court's ADP (Contract) and lodged it with the court;<sup>2</sup> and the court accepted respondent as a participant in the ADP.

On September 1, 2007, respondent was enrolled inactive pursuant to Business and Professions Code section 6233 as a condition of her continued participation in the ADP.

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<sup>1</sup>The court also executed the order approving the parties' stipulation on this day.

<sup>2</sup>Although the date of respondent's signature on the Contract is September 23, 2004, this appears to be an error.

On February 29, 2008, the court filed and served an Order to Show Cause Re: Termination from ADP and Imposition of the High Level of Discipline. The court set a hearing on the order to show cause for April 30, 2008, and on that date, the court terminated respondent from the ADP and filed the Stipulation Re Facts and Conclusions of Law.

Accordingly, the court now issues this decision recommending that the Supreme Court impose upon respondent the discipline set forth below in this decision.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The parties' Stipulation Re Facts and Conclusions of Law, including the court's order approving the stipulation, are attached hereto and hereby incorporated by reference, as if fully set forth herein. The Stipulation Re Facts and Conclusions of Law set forth the factual findings, legal conclusions and aggravating and mitigating circumstances in this matter.

**DISCUSSION**

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, to preserve public confidence in the legal profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

After reviewing the parties' briefs on discipline and considering the standards and case law cited therein, the parties' stipulation setting forth the facts, conclusions of law, and the aggravating and mitigating circumstances with respect to this disciplinary proceeding, and respondent's declaration regarding the nexus between her mental health issue and her misconduct in this matter, the court advised the parties of the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and the discipline which would be recommended if respondent was terminated from the ADP. Thereafter, respondent executed the Contract to participate in the ADP; the Contract was lodged with the court; and respondent was accepted for participation in the ADP.

Respondent successfully participated in both the ADP and the LAP for a lengthy period of time. However, effective September 1, 2007, respondent was enrolled inactive pursuant to Business and Professions Code section 6233 as a condition of her continued participation in the ADP as a

result of her failure to comply with the court's orders, and her failure to cooperate with the State Bar in its investigation of certain matters.

Respondent failed to properly participate in the ADP by failing to meet LAP requirements, and by missing deadlines and status conferences set by the court. On February 29, 2008, the court ordered respondent to show cause, in writing, as to why she should not be terminated from the ADP and the high level of discipline imposed, as a result of her failure to comply with the terms of her contract in the ADP, her failure to attend sessions of the LAP, her failure to attend scheduled status conferences, and her failure to comply with orders of this court regarding her participation in the ADP. The court set a hearing on the order to show cause for April 30, 2008.

Respondent, however, failed to appear at the April 30, 2008, hearing on the order to show cause; failed to file an opposition or an explanation to the order to show cause filed on February 29, 2008; and failed to show good cause why she should not be terminated from the ADP for the reasons indicated in the order to show cause. As such, the court terminated respondent from the ADP, and the parties' Stipulation Re Facts and Conclusions of Law was filed.

Accordingly, the court recommends to the Supreme Court the imposition of the discipline set forth in the court's Confidential Statement of Alternative Dispositions and Orders in the event respondent was terminated from the ADP.

#### **RECOMMENDED DISCIPLINE**

**IT IS HEREBY RECOMMENDED** that respondent **DARLA RAE ANDERSON** be suspended from the practice of law for three years and until she shows proof satisfactory to the State Bar Court of her rehabilitation and present fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; that execution of the suspension be stayed, and that respondent be placed on probation for a period of five years on the following conditions:

1. Respondent must be actually suspended from the practice of law in the State of California for the first year of her period of probation;
2. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;

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 after 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 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 thirty (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 the probation period;

6. Subject to assertion of applicable privileges, respondent must answer fully, promptly and truthfully any inquires 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;

7. 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 State Bar's Ethics School, and passage of the test given at the end of that session;
8. If respondent has not been terminated from the LAP, respondent must comply with all provisions and conditions of her Participation Agreement with the LAP and must immediately report any non-compliance to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and her compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Upon successful completion of her LAP Participation Agreement, respondent will be relieved of this condition, provided satisfactory proof of such successful completion has been provided to the Office of Probation.

If respondent has been terminated from the LAP prior to her successful completion of the LAP, respondent must obtain an examination of her mental and physical condition with respect to her mental health issue(s) pursuant to rule 184 of the Rules of Procedure from a qualified practitioner approved by the Office of Probation and must comply with any treatment plan recommended following such examination. The examination and any further help/treatment recommended by the examining practitioner will be at respondent's own expense. The examination must be conducted no later than thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter. Help/treatment should commence immediately after said examination and, in any event, no later than thirty (30) days after said examination. With each quarterly report, respondent must furnish to the Office of Probation sufficient evidence, as specified by the Office of Probation, that she is so complying with this condition of probation. Treatment must continue for

the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the examining or treating practitioner determines that there has been a substantial change in respondent's condition, respondent or the State Bar's Office of Probation or the Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure. The motion must be supported by a written statement from the examining or treating practitioner, by affidavit or under penalty of perjury, in support of the proposed modification.

Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical and confidentiality waivers and access to all of respondent's medical records necessary to monitor this probation condition. Revocation of any medical/confidentiality waiver is a violation of this condition. Any medical records obtained by the Office of Probation will be confidential and no information concerning them or their contents will be given to anyone except members of the Office of the Chief Trial Counsel, the Office of Probation, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition;

9. Respondent must comply with all orders of the Santa Barbara County Superior Court regarding sanctions in *Carpenter v. Anderson*, Case No. 01110531, except as may be modified or excused by the Santa Barbara County Superior Court, and must provide satisfactory proof of such compliance to the State Bar's Office of Probation during the period of her probation, unless she has previously provided such satisfactory proof to the Office of Probation;
10. Probation will commence upon the effective date of the Supreme Court order in this matter. (Cal. Rules of Court, rule 9.18.)

It is also recommended that respondent 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 after the effective date of the discipline imposed in this matter. **Failure to pass the MPRE results in actual suspension without further hearing until passage. (But see Cal. Rules of Court, rule 9.10(b); Rules Proc. of State Bar, rule 321(a) & (c).)**

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within thirty (30) and forty (40) calendar days, respectively, after the effective date of the Supreme Court's order in this matter.

#### COSTS

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

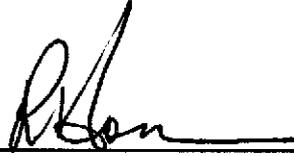
#### ORDER FILING AND SEALING CERTAIN DOCUMENTS

The court orders the clerk to file this Decision and Order Filing and Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California (Rule of Procedure), all other documents not previously filed in this matter will be sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: July 29, 2008



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RICHARD A. HONN  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; 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 July 29, 2008, I deposited a true copy of the following document(s):

**DECISION AND ORDER FILING AND SEALING CERTAIN DOCUMENTS**

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

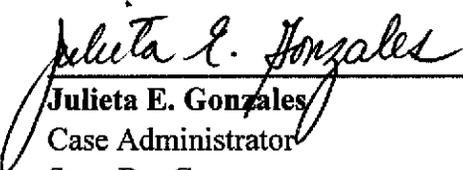
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DARLA RAE ANDERSON ATTORNEY AT LAW**  
**1227 DE LA VINA ST**  
**SANTA BARBARA, CA 93101 - 3129**

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

**David T. Sauber, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 29, 2008**.

  
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**Julieta E. Gonzales**  
Case Administrator  
State Bar Court