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**State Bar Court of California
Hearing Department
San Francisco**

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<p>Counsel For The State Bar</p> <p>Office of the Chief Trial Counsel Maria J. Oropeza 180 Howard Street San Francisco, CA 94105 (415) 538-2569</p> <p>Bar # 182660</p>	<p>Case Number (s) 07-O-13494</p>	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED <i>ADS</i></p> <p>NOV 10 2010</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Paul Virgo Century Law Group 5200 West Century Blvd, Suite 345 Los Angeles, CA 90045 (310) 642-6900</p> <p>Bar # 67900</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: Sara Knowles</p> <p>Bar # 216139</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 December 3, 2001.
- (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".

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

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- (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 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: 2012, 2013, 2014
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) Prior record of discipline [see standard 1.2(f)]
- (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) **Dishonesty:** Respondent's misconduct was surrounded by or followed by _____ dishonesty, concealment, overreaching _____ of the State Bar Act or Rules of Professional Conduct.
- (3) **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.
- (4) **Harm:** Respondent's misconduct harmed significantly _____ or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over 9 years of practice
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating 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 in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

D. Discipline:

(1) **Stayed Suspension:**

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

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of one-year, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of thirty days.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), 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:

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 learning and ability in general law, pursuant to standard 1.4(c)(ii), 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.

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- (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.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:

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- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Sara Knowles

CASE NUMBER(S): ET AL. 07-O-13494

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.

FACTS AND CONCLUSIONS OF LAW.

Statement of Facts: Count One (Case No. 07-O-13494)

1. Sara Knowles ("respondent") was admitted to the practice of law in the State of California on December 3, 2001, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. Respondent wilfully violated Business and Professions Code, § 6068(d), by employing, for the purposes of maintaining the causes confided in her, means which are inconsistent with truth, by seeking to mislead the judge or judicial officer by an artifice or false statement of fact or law, as follows:
3. On January 6, 2005, Elizabeth Knowles filed a Notice of Motion for Modification of Child Support against Thomas Knowles, in *Elizabeth Knowles v. Tom Knowles*, case no. FL001965, filed in Superior Court, County of Butte.
4. On January 21, 2005, respondent filed a Responsive Declaration to Order to Show Cause or Notice of Motion in the Knowles matter. Respondent represented her husband, Thomas Knowles, in the matter.
5. Contemporaneously with the Responsive Declaration, respondent filed an Income and Expense Declaration on behalf of Thomas Knowles. Respondent prepared the Income and Expense Declaration and signed it, on January 20, 2005, confirming that there were no attorney's fees.
6. Section 5 of the Income and Expense Declaration required the declarant, Thomas Knowles, to specify his income. Thomas Knowles specified \$2,385 per month in salary and \$2,522 a month income from self employment, and \$137 a month income from rental property.
7. Section 11 of the Income and Expense Declaration required the declarant, Thomas Knowles, to specify his assets. Respondent filled out Section 11 of the Income and Expense Declaration as follows:
 - i) 11 (a) cash and checking accounts, savings, credit union, money market, and other deposit accounts.....\$10,000;
 - ii) 11(b) Stocks, bonds, and other assets I could easily sell..... \$5,000;
 - iii) 11(c) All other property, real and personal.....\$250,000.
8. On May 7, 2007, the matter came to hearing. Respondent was called to testify.

9. During her testimony, respondent made the following statements:
- i) That respondent reported, as her joint adjusted gross income for the year 2004 the sum of \$1,282,687;
 - ii) That respondent prepared the income and expense affidavit of January 2005 (the "first one");
 - iii) At the time that respondent filled out the income and expense affidavit, she was aware that the parties had a cash flow of over one million dollars in capital gain monies, and that the one million dollars was not shown anywhere on the income and expense declaration;
 - iv) That respondent specified "\$10,000" in income on the income and expense form at 11(a), but the parties held jointly at the time, more than \$50,000 in assets, not \$10,000;
 - v) That respondent specified \$5,000 in stocks and bonds at section 11(b) of the income and expense form, but the parties had \$684,000 in an account in Edward Jones;
 - vi) That respondent specified all other property to be \$250,000 on the income and expense form, but had other money totaling almost \$1 million dollars;
 - vii) That the numbers that respondent placed in the income and expense form "should have been higher";
 - viii) That respondent was not happy with Elizabeth, she was upset, angry, with the situation over the child support;
 - ix) That the parties gross income, not adjusted gross income, for the year 2004 was \$2,159,000.
10. On August 22, 2007, the Court issued its Intended Ruling. In its Intended Ruling, the Court found that Thomas Knowles, through respondent, filed FL150 form (Income and Expense Affidavit) with the responsive papers that was perjurous, and that Thomas Knowles specified \$15,000 worth for all "stocks bonds and other assets that I could reasonably sell" when he and respondent were then aware that they had an AG Edwards account worth over 1.3 million dollars that was completely liquid and available, plus additional real estate and investments that were not disclosed.
11. The Court found that respondent should be referred to the State Bar and sanctioned \$2,000
12. On November 7, 2007, the Court issued a Statement of Decision which was consistent with its Intended Ruling. The Court stated as follows: "With regard to the issue of the capital gain income received by respondent, the Court exercises its discretion and does not include those gains as income for child support purposes."
13. On December 12, 2007, the Court issued a Ruling on Motion for Sanctions against Attorney Sara Knowles.
14. On January 9, 2008, both Elizabeth Knowles and Thomas Knowles appealed the November 7, 2007 Superior Court decision. Thomas Knowles' appeal was based on his assertion that the Superior Court had erred when it used all of the community property income of his subsequent marriage to respondent (Sara) for the purpose of computing child support. He asserted that the Superior Court was limited to using the community income attributable to him only and that it was error also to use the community income attributable to respondent (Sara).
15. On October 6, 2009, the Court of Appeal issued its opinion on both of the appeals. The Court of Appeals found that the Superior Court erred in using all of the community property income from

his marriage to respondent to set the child support award¹. The Court of Appeals remanded the matter back to the Superior Court for a determination of Thomas Knowles' child support obligation without violating Family Code §4075.5.

16. In footnote 8, the Court of Appeal stated that Thomas Knowles had forfeited his right of review on the issue of reversing the child support order because of the court's alleged bias, because he failed to cite to any authority. However, the Court of Appeal did address the issue of judicial bias. The Court Stated as follows: "Because Thomas forfeited review of this issue, we need not consider it. However, because an assertion that a judge was biased is a serious accusation, we note that we see no evidence of bias in the trial court's statements and rulings, even though they may have shown justified frustration with and disdain for Sara's unprofessional conduct and accusation. Instead, Thomas and Sara were at fault with their dishonesty and perjury."

Conclusions of Law: Count One (Case No. 07-O-13494)

17. By preparing and presenting to the Superior Court Thomas Knowles' Income and Expense Affidavit in January 2005, which specified Thomas Knowles' income and assets, when respondent knew that the income and assets reported on the form were inaccurate and the parties had much more income than what was reported, respondent employed, for the purposes of maintaining the causes confided in her, means which were inconsistent with truth, and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of Business and Professions Code, § 6068(d).

Statement of Facts: Count Four (Case No. 07-O-13494)

18. Respondent wilfully violated Business and Professions Code, § 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:
19. The statement of facts of Counts One are herein incorporated by reference, as if they were set forth in full.
20. Respondent served, or caused to be served, the Income and Expense Declaration on the opposing party, Elizabeth Knowles, by serving her counsel, Les Hait.

Conclusions of Law: Count Four (Case No. 07-O-13494)

21. By knowingly providing false information to the Court, and the opposing party, in connection with the income and expense affidavit of Thomas Knowles, respondent committed acts of moral turpitude, in willful violation of Business and Professions Code, § 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was September 24, 2010.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
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¹ Family Code §4057.5 expressly prohibits courts from considering subsequent spouse's income when determining or modifying child support, except in very limited circumstances.

07-O-13494
07-O-13494

Two
Three

Rule 3-200(A)
Rule 5-200(A)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 24, 2010, the prosecution costs in this matter are \$2532.80. 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.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.3 states in pertinent part "culpability of a member of an act of moral turpitude, fraud, intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law."

Standard 2.6 states in pertinent part "culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3."

"Moral turpitude determinations are a matter of law." (*In re Higbie* (1972) 6 Cal 3d 562, 569.) Moral turpitude is not a concept that fits a precise definition (*Chadwick v. State Bar* (1989) 49 Cal. 3d 103, 110), but has been consistently described as an "act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." (*In re Craig* (1938) 12 Cal. 2d 93, 97) The Court has characterized the moral turpitude prohibition as a flexible "commonsense" standard (*In re Mostman* (1989) 47 Cal. 3d 725, 738) with its purpose not the punishment of attorneys, but the protection of the public and legal community against unsuitable practitioners.

Vickers v. State Bar (1948) 32 Cal. 2d 247, the Supreme Court imposed a three year actual suspension because Vickers had violated section 6068(d) and had misappropriated property belonging to a client. Vickers had stated on an application for special letters of administration that he was the husband of the decedent. In truth and in fact, he was not the husband of the decedent, Alice Kirk. He had never finalized a divorce proceeding in Mexico when he engaged in a marriage ceremony with the Alice Kirk. The Court in *Vickers* succinctly stated the following with respect to a Business and Professions Code §6068(d) violation "the conduct denounced by the section is not the act of an attorney by which he successfully misleads the court, but the presentation of a statement of fact known by him to be false, which tends to do so."

In the following cases of an isolated false statement or misrepresentation to a court, prior to the adoption of the Standards, a public reproof has been imposed. (*Mushrush v. State Bar* (1976) 17 Cal.3d 487; *Di Sabatino v. State Bar* (1980) 27 Cal.3d 159; *Mosesian v. State Bar* (1972) 8 Cal.3d 60; *Grove v. State Bar* (1965) 63 Cal.2d 312)

In *Mushrush v. State Bar* (1976) 17 Cal.3d 487, the attorney had no prior record of discipline. He made false statements during a bankruptcy proceeding when he failed to inform the bankruptcy court

regarding the amount of a payment made to a debtor from the sale of real property. The Court concluded that the attorney's denial of knowledge of the size of the check involved moral turpitude.

In *Di Sabatino v. State Bar* (1980) 27 Cal.3d 159, the attorney misled a bail commissioner by failing to disclose the facts surrounding his attempts to obtain bail for a client in a criminal case. The Court concluded that the concealment of a material fact was as misleading as explicit false statements and required discipline; however, the Court considered that the attorney had no prior record of discipline in mitigation.

In *Mosesian v. State Bar* (1972) 8 Cal.3d 60, the attorney knowingly made false statements during his testimony as a witness in a civil action regarding the general reputation of his aunt. He named several people with whom he allegedly had discussions about his aunt as the basis for his testimony, which was later controverted by every person he identified. While the Court only imposed a public reproof, it took particular notice of the heightened duty of an attorney to be candid and never seek to mislead. (*Id.* at p. 66.)

In *Grove v. State Bar* (1965) 63 Cal.2d 312, an attorney concealed from a judge, in court, that the absent opposing attorney had requested a continuance. The Court found that the concealment of the request was a violation of sections 6068(d) and 6106, because it misled the judge just as effectively as a false statement conveying that there was no request for a continuance would have done. However, the court did not find that the attorney planned to mislead the judge and it appeared that Grove's conduct may have been spur of the moment and overzealous.

After the adoption of the Standards, misrepresentations to the court resulted in greater discipline. In *Drociak v. State Bar* (1991) 52 Cal.3d 1085, the Supreme Court imposed an actual suspension of thirty days for violating sections 6068(d) and 6106. In *Drociak*, an attorney was hired in March 1985 to represent a woman in a personal injury action. The attorney had the client sign undated and blank verification forms. During 1986, the defendant sought discovery through interrogatories. After a long period without contact with his client, the attorney answered the interrogatories himself and attached one of the pre-signed verifications. The suit was dismissed in November 1986. When the client's husband inquired as to the status of the lawsuit in late 1986 or early 1987, the attorney informed him the suit had been dismissed because of his wife's failure to cooperate. The attorney was then informed that his client had been dead since October 1985. In aggravation, the Court considered the attorney's practice of having other clients sign blank verifications and that his use of pre-signed verifications posed a threat to the administration of justice. The Court also considered the attorney's lack of remorse for his actions. In mitigation, the Court considered the attorney's twenty-five years of practice free of discipline.

In *the Matter of Farrell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 490, the Court recommended two years suspension, stayed, on conditions including six month's actual suspension. In *Farrell*, the attorney, inter alia, wilfully misled a judge by stating that a witness had been subpoenaed to appear when the witness, in fact, had not yet been subpoenaed. The Court considered the attorney's prior act of misconduct in aggravation, which involved appearing without authority on behalf of a client, in making its recommendation.

Increased discipline was imposed on an attorney who violated sections 6068(d) and 6106, among other violations, in *Levin v. State Bar* (1989) 47 Cal.3d 1140. In *Levin*, while attempting to settle a lawsuit, an attorney made false statements of fact to an opposing counsel, settled a second lawsuit without his client's permission, and failed to deliver the settlement funds to the client. In making its recommendation, the Court considered that Levin's multiple acts of misconduct outweighed the

mitigating effect of his eighteen years of practice prior to discipline and warranted higher discipline. The Supreme Court of California placed the attorney on three years suspension, stayed, and imposed six months actual suspension.

AGGRAVATING CIRCUMSTANCES.

See page 2 of the stipulation form.

MITIGATING CIRCUMSTANCES.

See page 3 of the stipulation form.

STATE BAR ETHICS SCHOOL.

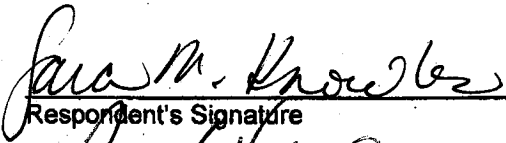
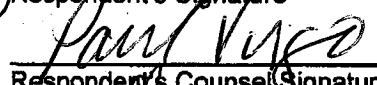
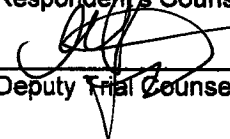
Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of Sara Knowles, Bar No. 216139	Case number(s): 07-O-13494
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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 Fact, Conclusions of Law and Disposition.

<u>Oct 20, 2010</u> Date	<u></u> Respondent's Signature	<u>Sara Knowles</u> Print Name
<u>10/25/10</u> Date	<u></u> Respondent's Counsel Signature	<u>Paul Virgo</u> Print Name
<u>10/26/10</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Maria J. Oropeza</u> Print Name

(Do not write above this line.)

In the Matter Of Sara Knowles, Bar No. 216139	Case Number(s): 07-O-13494
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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:

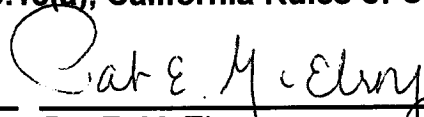
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page 4 of the stipulation, an "X" is inserted in box D(3)(a) so that respondent will be suspended during the first 30 days of her probation.

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 135(b), 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.)**

November 10, 2010

Date



Pat E. McElroy
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 San Francisco, on November 10, 2010, I deposited a true copy of the following document(s):

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

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

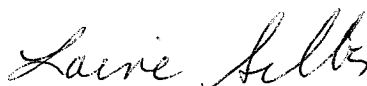
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

PAUL JEAN VIRGO
PO BOX 67682
LOS ANGELES, CA 90067 - 0682

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

MARIA OROPEZA, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 10, 2010



Laine Silber
Case Administrator
State Bar Court