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State Bar Court of California
Hearing Department
San Francisco

kwiktag® 035 131 818

Counsel For The State Bar	Case Number (s)	(for Court's use)
Tammy M. Albertsen-Murray State Bar of California 180 Howard Street San Francisco, CA 94105 (415) 538-2527 Bar # 154248	09-O-18513-PEM	PUBLIC MATTER FILED SEP 17 2010 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Leonie E. Davis 870 Shasta Circle El Dorado Hills, CA 95762 Bar # 224575	Submitted to: **Assigned Judge**	
In the Matter Of: LEONIE E. DAVIS Bar # 224575 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING **ACTUAL SUSPENSION** ☐ PREVIOUS STIPULATION REJECTED	

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 January 28, 2003.

(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".

(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: (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 05-O-04649 [Supreme Court case no. S152152]

(b) ☒ Date prior discipline effective July 28, 2007

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rules 3-700(A)(2); 3-700(D)(2); 4-100(B)(3); 5-200; Business & Professions Code section 6068(m);

(d) ☒ Degree of prior discipline One (1) year suspension, stayed; two (2) years probation with conditions including sixty (60) days actual suspension and other standard conditions; restitution; payment of disciplinary costs.

(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 bad faith, dishonesty, concealment, overreaching or other violations 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 a client, the public 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.

(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:

See page 11under 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 many years of practice coupled with present misconduct which is not deemed serious.

(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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent was cooperative during the State Bar disciplinary 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

Respondent has faced and continues to face severe financial stress, other than as described in (C)(9) above. Despite facing dire financial circumstances and after initially improperly delaying payment to the victim of her misconduct, respondent made partial reimbursement payments to her former client to the extent she was able.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of two (2) years.

I. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and 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: pays all disciplinary costs still outstanding from the prior discipline as well as those resulting from the instant disipline in addition to reimbursing CSF for all amounts it has paid out, including interest and fees.

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

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of three (3) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of one (1) 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: pays all disciplinary costs still outstanding from the prior discipline as well as those resulting from the instant disipline in addition to reimbursing CSF for all amounts it has paid out, including interest and fees.

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.

(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:

☐ Substance Abuse Conditions	☐ Law Office Management Conditions
☐ Medical Conditions	☐ Financial Conditions

F. Other Conditions Negotiated by the Parties:

(1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☐ No MPRE recommended. Reason:

(2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:

(5) ☐ **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LEONIE E. DAVIS, SBN 224575

CASE NUMBER: 09-O-18513-PEM

FACTS AND CONCLUSIONS OF LAW.

Facts:

1. On June 28, 2007, the California Supreme Court filed a disciplinary order in State Bar Court 05-O-04649 et seq. (Supreme Court Case Number S152152).

2. The disciplinary order *inter alia* placed respondent on probation for two years and required her to comply with conditions specified in the stipulation that respondent had signed on February 13, 2007, that had been approved by the State Bar Court on February 22, 2007, and that had been filed in State Bar Court on February 23, 2007.

3. The disciplinary order and the probation conditions became effective thirty days after the order was filed (California Rules of Court, rule 9.18(b)), i.e., on July 28, 2007, and at all times subsequent have remained in full force and effect.

4. Notice of the disciplinary order was properly served upon respondent in the manner prescribed by California Rule of Court 9.18(b) at the address respondent then maintained with the State Bar in accordance with Business and Professions Code section 6002.1, subdivision (a).

5. INITIAL MEETING CONDITION

(a) One of the conditions of probation provided as follows:

> "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..."

(b) Respondent willfully violated this condition of probation by failing to timely contact the Office of Probation, by failing to timely schedule the required meeting, and by failing to timely participate in the required meeting. Respondent did not schedule or participate in the required meeting until on or about August 16, 2008---more than a year late.

6. QUARTERLY REPORTING CONDITION.

(i) One of the conditions of probation required respondent to submit quarterly reports as follows:

> "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;"

(ii) Respondent wilfully violated this probation condition by failing to timely submit the reports prior to the deadlines for their filings, or in some cases by not filing them at all, as follows:

Date Due	Dated submitted to Office of Probation
October 10, 2007	April 18, 2008
January 10, 2008	April 18, 2008
April 10, 2008	April 18, 2008
July 10, 2008	Submitted on time.
October 10, 2008	Respondent sent a report on October 10, 2008 without original signature. Respondent submitted an amended report on April 22, 2009.
January 10, 2009	April 22, 2009
April 10, 2009	April 22, 2009
July 10, 2009	Never submitted
July 28, 2009	Never submitted

7. **RESTITUTION.**

(i) One of the conditions of probation provided[1] as follows:

"a. Restitution

"Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Teresa Carter (aka Shaw)	$3500	December, 2005

"Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **the last day of probation**. **A balloon payment at the end of probation may be warranted.**

"b. Installment Restitution Payments

"Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later

[1] The probation conditions were set forth on the State Bar Court's stipulation form, so the formatting was somewhat different but text is quoted verbatim. The bolding is original.

than 30 days prior to the expiration of the period of probation (or period of reproval), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Teresa Carter (aka Shaw)	$100.00	quarterly

"

(ii) At another point in the stipulation, the following additional language requiring restitution was set forth as follows:

8. FINANCIAL CONDITIONS, RESTITUTION.

"Within one year from the effective date of discipline in this matter, respondent must make restitution to Teresa Carter (aka Shaw) or the Client Security Fund if it has paid, in the principal amount of $3,500 plus interest at the rate of 10% per annum from December, 2005 and furnish satisfactory evidence of restitution to the Probation Unit. Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him or her during that reporting period."

(iii) Respondent violated these restitution conditions as follows:

(a) To date, respondent has failed to complete the restitution owed.[2]

(b) To date, respondent has failed to provide proof to the Office of Probation that she has completed the restitution owed.

(c) Respondent failed to timely make the $100-per-quarter installment payments, as follows:

Date Payment Due	Date Payment Made
September 30, 2007	May 15, 2008[3]
December 31, 2008	May 15, 2008
March 31, 2008	May 15, 2008
June 30, 2008	July 1, 2008 or later.
September 30, 2008	October 8, 2008 or later.
December 31, 2009	January 10, 2009 or later.
March 31, 2009	April 13, 2009 or later.
June 30, 2009	Paid on time.

(d) Respondent failed to timely provide proof of payment to the Office of Probation, as follows:

Deadline for Supplying Proof of Payment	Date Proof of Payment Supplied
October 10, 2007	July 2, 2008[4]

[2] The State Bar notes an inconsistency in the restitution condition. At one point, respondent is directed to complete restitution within one year. At another point, respondent is directed to complete restitution within the period of probation (i.e., two years). In light of this, the State Bar does not seek discipline based on respondent's failure to complete restitution within one year but instead upon her failure to complete restitution prior to the expiration of the period of probation.

[3] On April 18, 2008, respondent submitted the original $300 restitution check to the Office of Probation for the quarters ending October 10, 2007, January 10, 2008, and April 10, 2008. By letter dated April 21, 2008, the Office of Probation returned the check and directed respondent to make payment directly to Ms. Carter.

January 10, 2008	July 2, 2008
April 10, 2008	July 2, 2008
July 10, 2008	Respondent timely provided the front side of a $100 check dated July 1, 2008, but did not provide proof that the check was cashed until April 22, 2009.
October 10, 2008	Respondent timely provided the front side of a $100 check dated October 8, 2008, but did not provide proof that the check was cashed until April 22, 2009.
January 10, 2009	Respondent timely provided the front side of a $100 check dated January 10, 2009, but did not provide a copy of the reverse side showing that the check had been cashed until April 13, 2009.
April 10, 2009	On April 13, 2009, respondent provided the front side of a $200 check dated April 13, 2009 covering the April 10 and July 10, 2009 quarters. However, respondent did not provide a copy of the reverse side showing that the check had been cashed until April 20, 2009.
July 10, 2009	On time (see above).

9. ADDRESS CHANGE CONDITION.

(i) One of the conditions of probation provided as follows:

"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."

(ii) On or about July 9, 2007, the State Bar Office of Probation mailed an envelope to respondent containing: a letter to respondent reminding her of her obligation to comply with the probation conditions, accurate copies of the Supreme Court order and the probation conditions, accurate information about how to comply with the probation conditions, and a form approved by the State Bar Court Executive Committee for reporting compliance with the probation conditions. The State Bar's Office of Probation sent the documents in a sealed envelope by first class mail, postage fully prepaid. The mailing was addressed to respondent's then-current address as maintained by the State Bar in accordance with Business and Professions Code section 6002.1, subdivision (a). This letter was returned as undeliverable because respondent had closed this post office box. The Office of Probation tried to reach respondent at the telephone number she had listed with the State Bar under section 6002.1, but the line was disconnected.

(iii) Respondent did not provide the Office of Probation with an updated address and telephone number until September 5, 2007.

(iv) Respondent violated the above-quoted condition of probation by failing to provide the Office of Probation with a current address and telephone number between July 28, 2007 (the date probation

[4] On April 18, 2008, respondent submitted the original $300 restitution check to the Office of Probation for the quarters ending October 10, 2007, January 10, 2008, and April 10, 2008. By letter dated April 21, 2008, the Office of Probation returned the check and directed respondent to make payment directly to Ms. Carter.

became effective) and September 5, 2007.

Conclusions of Law:

By failing to comply with the enumerated conditions attached to her disciplinary probation as stated above, respondent willfully violated section 6068(k) of the Business and Professions Code.

ADDITIONAL AGGRAVATING CIRCUMSTANCES.

In aggravation of discipline, respondent's violation of probation also constituted a violation of Business and Professions Code section 6068(j). As a result of respondent's ongoing non-compliance, the Office of Probation was required to spend extra effort in its attempts to induce respondent to comply with the conditions of probation, as follows:

August 17, 2007	Office of Probation attempted to reach respondent by telephone to establish contact after its initial letter to respondent was returned as undeliverable. Respondent's telephone was disconnected.
March 19, 2008	Office of Probation sent respondent a letter enclosing copies of probation conditions and probation-compliance forms. This was the second time that the Office of Probation did this. The Office of Probation's initial letter was returned as undeliverable because respondent had abandoned the Post Office Box listed with the State Bar Office of Membership Records. The letter also reminded respondent to file overdue quarterly reports and comply with other probation conditions. Respondent received this letter shortly after it was mailed.
April 21, 2008	Office of Probation sent respondent a letter (1) reminding respondent to update her address on State Bar records and (2) returning an original restitution check and instructing respondent make restitution directly to Ms. Carter. Respondent received this letter shortly after it was mailed.
March 18, 2009	Office of Probation sent respondent a letter reminding respondent to file overdue quarterly report and provide proof of restitution. Respondent received this letter shortly after it was mailed.
June 17, 2009	Office of Probation sent respondent a letter concerning her duty to pay restitution.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was August 11, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 11, 2010, the prosecution costs in this matter are $3654.00. 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 1.7, subdivision (a), provides that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 2.6, subdivision (a), provides that culpability of a member of a violation of 6068 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.

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.

FINANCIAL CONDITIONS, RESTITUTION.

Respondent waives any objection to payment by the State Bar Client Security Fund upon a claim for the principal amount of restitution set forth herein.

Neither this Stipulation, nor participation in the Attorney Diversion and Assistance Program, precludes or stays the independent review and payment of applications for reimbursement filed against the Respondent pursuant to the Rules of Procedure, Client Security Fund Matters.

Respondent admits that the above facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

(Do not write above this line.)

In the Matter of	Case number(s):
LEONIE E. DAVIS, SBN 224575	**09-O-18513-PEM**

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.

August 31, 2010 Date	Respondent's Signature	Leonie E. Davis Print Name
Date	Respondent's Counsel Signature	N/A Print Name
9/2/2010 Date	Deputy Trial Counsel's Signature	Tammy M. Albertsen-Murray Print Name

(Do not write above this line.)

In the Matter Of **LEONIE E. DAVIS, SBN. 224575**	Case Number(s): **09-O-18513**

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.

At p. 4, items D.(1)(a)(iii) and D.(3)(a)(iii), remove the "and until" provisions as they are already mandated by statute. (See, Bus. & Prof. Code, §§ 6140.5 and 6140.7.) In any case, the "and until" provision recommended in the stayed suspension should be removed as superfluous. (See, *In the Matter of Luis* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 737.)

At p. 6, item F.(1), the MPRE must be taken within one year of the effective date of the Supreme Court's disciplinary order. (*Segretti v. State Bar* (1976) 15 Cal.3d 878, 890, fn. 8.)

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.)

September 17, 2010
Date

Lucy Armendariz
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 September 17, 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:

LEONIE E. DAVIS
870 SHASTA CIRCLE
EL DORADO HILLS, CA 95762

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

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

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

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

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

Tammy Albertsen-Murray, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 17, 2010.

George Hue
Case Administrator
State Bar Court