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

<p>Counsel For The State Bar</p> <p>Robert A. Henderson Deputy Trial Counsel 180 Howard St. San Francisco, CA 94105 (415) 538-2385</p> <p>Bar # 173205</p>	<p>Case Number(s): 11-O-18308-PEM [12-O-10439-PEM]</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>NOV 28 2012 <i>[Signature]</i></p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Lisa R. Alexholland 484 Lake Park Ave., #27 Oakland, CA 94610 (510) 417-0737</p> <p>Bar # 224000</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: Lisa R. Alexholland</p> <p>Bar # 224000</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 January 1, 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 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."

(Effective January 1, 2011)



- (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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [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 08-O-10962.
 - (b) Date prior discipline effective June 4, 2011.
 - (c) Rules of Professional Conduct/ State Bar Act violations: 3-110(A) (three violations); 3-700(D)(1) (one violation); 3-700(D)(2) (two violations); 6068(m) (four violations); and 6103 (three violations). The disciplinary matter involved four clients. In the first client complaint, respondent failed to competently perform, failed to communicate in two instances and failed to refund unearned fees. In the second client complaint, respondent violated three court orders. In the third client complaint, respondent failed to competently perform, failed to communicate and failed to refund unearned fees. In the last client complaint, respondent failed to competently perform, failed to communicate, failed to promptly return the client file and failed to refund unearned fees.
 - (d) Degree of prior discipline two-years stayed, three-years probation, on condition of 60-days actual suspension. Also required to take and pass the MPRE.
 - (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. See "Facts Supporting Aggravating Circumstances."

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- (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. See "Facts Supporting Aggravating Circumstances."
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See "Facts Supporting Aggravating Circumstances."
- (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. See "Facts Supporting Aggravating Circumstances."
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See "Facts Supporting Aggravating Circumstances."
- (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 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.
- (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.

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- (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:

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of four-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:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**

Respondent must be placed on probation for a period of five-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 two-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:

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 the 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: Respondent was ordered to attend Ethics School by Supreme Court Order filed May 5, 2011.
- (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

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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 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: Respondent passed the MPRE in or about June 2012.
- (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:**

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In the Matter of: Lisa R. Alexholland	Case Number(s): 11-O-18308-PEM [12-O-10439-PEM]
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Financial Conditions

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
Leslie Lewis	\$716.96	March 29, 2012
Barney Perry	\$15,300	January 1, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

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 than 30 days prior to the expiration of the period of probation (or period of reprobation), 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

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

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

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

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Lisa R. Alexholland
CASE NUMBER(S): 11-O-18308-PEM [12-O-10439-PEM]

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. 11-O-18308 (Complainant: Leslie Lewis)

FACTS:

1. Respondent and her ex-husband, George Holland Jr., shared office space at 3700 E. 12th Street, Oakland, California and provided assistance to each other on their respective cases. George Holland Jr. also had separate office space at another location and maintained his own law firm, separate from respondent's law firm.
2. In April 2009, Leslie Lewis ("Lewis") employed respondent to file a lawsuit against lenders who provided Lewis's mother with a reverse mortgage.
3. On April 12, 2009, respondent filed *Lewis v. Regional Services Corporation, et al.*, Alameda County Superior Court, case number RG 0946645 ("Mortgage Matter").
4. On April 21, 2009, respondent provided Lewis with a fee agreement indicating that respondent would be providing the legal services requested by Lewis. Respondent and Lewis both executed the fee agreement. The fee agreement required respondent to provide Lewis with monthly billing statements. Respondent's law firm, Alexholland & Counselors at Law, agreed to file a lawsuit against lenders who provided Lewis's mother with a reverse mortgage.
5. Prior to August 3, 2009, respondent requested that George Holland Jr. provide her assistance with Lewis's matter.
6. At no time did Lewis enter into a fee agreement with George Holland, Jr.
7. On August 3, 2009, George Holland Jr. filed a complaint on behalf of Lewis against Bank of America in the matter *Lewis v. Regional Services Corporation, et al.*, Alameda County Superior Court, case number RG 0946645 ("Mortgage Matter"). George Holland Jr. was listed as counsel of record.
8. On August 5, 2009, respondent accepted \$316.96 from Lewis as payment for legal services in the Mortgage Matter.

9. Respondent initiated a lawsuit against the lender without seeking or competently pursuing non-litigation remedies, which had already been commenced by Lewis. Thereafter, respondent and George Holland Jr. provided no services of value to Lewis. Neither respondent, nor George Holland Jr., served the complaint on defendants, engaged in discovery or took any action to pursue Lewis's claim against the lenders including any non-litigation remedies.

10. On March 29, 2010, George Holland Jr. filed a voluntary dismissal without prejudice in the Mortgage Matter. Respondent knew the Mortgage Matter had been dismissed, but did not inform Lewis.

11. Respondent also represented Lewis in the matter *Estate of Mayola Lewis*, Alameda County Superior Court, case numbers RG 10494769 and RG 10494885 ("Probate Matters"), filed on January 21, 2010.

12. On February 22, 2010, respondent accepted \$400 from Lewis as payment for legal services respondent had agreed to provide Lewis in the Mortgage Matter.

13. On August 17, 2011, Lewis submitted a complaint against respondent to the State Bar. The State Bar received the complaint on August 23, 2011. As of the filing of the complaint by Lewis, the attorney-client relationship had been effectively terminated.

14. On January 5, 2012, a State Bar investigator sent a letter to respondent regarding Lewis' complaint against her.

15. On February 3, 2012, respondent provided the State Bar with a response to the State Bar's January 5, 2012 letter. In her response, respondent falsely stated "I have never been the attorney of record for Leslie Lewis or agreed to represent him, or received any money from him." As of February 3, 2012, respondent had effectively terminated her representation of Lewis.

16. In truth and in fact, respondent received money from Lewis.

17. In truth and in fact, respondent represented Lewis in the Mortgage Matter.

18. In truth and in fact, respondent represented Lewis in the Probate Matters.

19. As of February 3, 2012, respondent knew that she had represented Lewis, and that she had accepted money from Lewis.

20. Respondent made misrepresentations to the State Bar when respondent stated that she had not agreed to represent Lewis and had not received any money from him.

21. At no time did respondent provide Lewis with a monthly billing statement, nor did respondent provide an appropriate accounting to Lewis upon termination of the attorney-client relationship.

CONCLUSIONS OF LAW:

22. By not seeking or competently pursuing non-litigation remedies before and after filing the complaint against defendants in the Mortgage Matter, by not serving the complaint on defendants in

the Mortgage Matter, by not engaging in discovery in the Mortgage Matter, and by not taking any action to pursue Lewis's claim against the lenders in the Mortgage Matter, respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A), Rules of Professional Conduct.

23. By making misrepresentations to the State Bar regarding her representation of Lewis and receipt of payments from Lewis in the Mortgage Matter, respondent committed acts involving moral turpitude, dishonesty and corruption in violation of Business and Professions Code section 6106.

24. By not providing monthly accountings and by not providing an accounting upon termination of the attorney-client relationship, respondent failed to promptly provide an accounting in willful violation of rule 4-100(B)(3), Rules of Professional Conduct.

Case No. 11-O-18308 (Complainant: Barney Perry)

FACTS:

25. The facts in paragraph 1 are hereby incorporated by reference.

26. In June 2009, Barney Perry ("Perry") met with respondent and employed her to represent him in matters relating to the foreclosure of his home. Perry informed respondent that he had attempted to negotiate a loan modification with his lender to avoid foreclosure on his home.

27. On June 9, 2009, respondent filed a lawsuit on behalf of Perry, in *pro per*, against several lenders alleging they engaged in predatory lending practices in the matter, *Perry v. Wells Fargo et al*, Alameda County Superior Court, case number FCS033660 ("*Perry v. Wells Fargo, et al.*"). Respondent did not inform Perry that she filed the complaint on Perry's behalf.

28. Respondent falsely designated Perry as *pro per* in *Perry v. Wells Fargo, et al.*

29. On June 15, 2009, respondent provided Perry with a fee agreement indicating that Perry was employing respondent to represent him in the "*Perry v. Wells Fargo*" matter. Respondent and Perry executed the fee agreement.

30. Pursuant to the fee agreement, Perry paid respondent a \$3,000 deposit and \$800 per month from July 2009 through December 2010. The fee agreement required that Perry pay \$800 per month "during the pendency of the lawsuit." The fee agreement required respondent to provide Perry with monthly billing statements. Respondent did not provide Perry with any monthly billing statements during her representation.

31. Respondent made no effort to pursue a loan modification or seek alternative remedies before or after initiating litigation against the lenders on behalf of Perry.

32. On June 15, 2009, respondent arranged for a false substitution of attorney to be filed with the court indicating that George Holland Jr. was representing Perry. The substitution of attorney contained what was purported to be Perry's signature. Perry did not sign the substitution. Respondent caused a signature to be affixed to the substitution of attorney form that purported to be the signature of Perry.

33. Respondent never informed Perry that she had arranged for George Holland Jr. to represent Perry in *Perry v. Wells Fargo et al.* Perry never authorized respondent to assign his matter to George Holland Jr.

34. At the time that respondent agreed to represent Perry, respondent knew or should have known that Perry's lawsuit had no merit since Perry had no grounds upon which to prevail on his claim that the lenders engaged in predatory lending practices. At no time did respondent inform Perry that his lawsuit had no merit.

35. George Holland Jr. filed a first amended complaint and a second amended complaint in *Perry v. Wells Fargo et al.* Both complaints were insufficiently pled. Neither respondent, nor George Holland Jr., informed Perry that George Holland Jr., filed a first amended complaint and a second amended complaint.

36. On July 22, 2010, the court dismissed all causes of action without leave to amend because the complaints failed to state facts sufficient to constitute any cause of action and entered judgment against Perry and awarded costs to the defendants. Respondent was aware of the dismissal and cost award. Neither respondent, nor George Holland Jr., informed Perry that the court dismissed his complaint, that the court entered judgment against him, and that he was obligated to pay the defendants' costs.

37. Perry continued to pay respondent \$800 per month from August 2010, through December 2010, despite the fact that the lawsuit, unbeknownst to Perry, had been dismissed and judgment ordered against Perry on July 22, 2010. Respondent did not inform Perry of the judgment and continued to accept his monthly payments, totaling \$4,000. Respondent accepted the \$4,000 to which she was not entitled.

38. Between June 2009 and December 2010, respondent charged and Perry paid respondent a total of \$15,300 to represent him in the *Perry v. Wells Fargo, et al* matter.

39. Respondent provided no service of value to Perry in *Perry v. Wells Fargo, et al.*, nor did respondent earn any of the fees she charged and collected from Perry to represent him in *Perry v. Wells Fargo et al.*

40. On April 25, 2011, Perry requested that respondent refund the fees he paid for representation in *Perry v. Wells Fargo, et al.* As of April 25, 2012, Perry terminated the attorney-client relationship. Although respondent received the April 25, 2011 request, respondent did not respond to it and did not provide Perry with a refund.

41. Respondent owes Perry a refund of \$15,300 for unearned fees.

42. To date, respondent has not refunded any fees to Perry. To date, respondent has not rendered any accounting to Perry of the funds received prior to the termination of the attorney-client relationship.

CONCLUSIONS OF LAW:

43. By not pursuing non-litigation remedies before or after initiating a lawsuit against Perry's lenders, by insufficiently pleading the complaint and by continuing to pursue the insufficiently pled

complaint, and by continuing to pursue the predatory lending lawsuit when respondent knew or should have known that Perry would be obligated to pay defendants' costs because the lawsuit had no merit, respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A), Rules of Professional Conduct.

44. By not refunding any unearned fees to Perry at the time of termination, respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2), Rules of Professional Conduct.

45. By not informing Perry that that his case had no merit, that she had assigned his case to George Holland Jr., that his case was dismissed in July 2010, because the complaint failed to state facts sufficient to constitute any cause of action, that judgment had been entered against Perry, and that Perry was liable for the defendants' costs, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services in violation of Business and Professions Code section 6068(m).

46. By not providing Perry with any accounting, including upon termination, respondent failed to promptly provide an accounting in willful violation of rule 4-100(B)(3), Rules of Professional Conduct.

47. By continuing to accept payments with the full knowledge that the lawsuit had been dismissed and adjudged against Perry and that respondent had ceased performing work in the matter, respondent committed an act of moral turpitude and dishonesty in violation of Business and Professions Code section 6106.

Case no. 11-O-18308 [12-O-10439] (Probation Violations)

48. On May 5, 2011, the California Supreme Court filed a disciplinary order ("Order") in *In the Matter of Lisa Alexholland*, case number S190906 (State Bar Court case numbers 08-O-10962 [08-O-13999;09-O-116688; 09-O15972]).

49. The Order became effective on June 4, 2011 (California Rules of Court, rule 9.18(a)), and at all times subsequent has remained in full force and effect.

50. The Order was properly served upon respondent (California Rules of Court, rule 9.18(b)). Respondent received the Order shortly after May 5, 2011, and was at all times thereafter aware that she was subject to its provisions.

51. The Order placed respondent on disciplinary probation for three years, beginning on the date the Order became effective and required her to comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 11, 2011.

52. At all times subsequent to June 4, 2011, respondent has remained on disciplinary probation and the probation conditions mentioned above have remained in full force and effect, except as modified by the Hearing Department in its August 17, 2012 order.

53. One of the conditions of probation provided as follows:

Quarterly Reporting

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. If the first report will cover less than thirty (30) days, that report must be submitted on the next following quarter date, and cover the extended period.

54. Respondent did not timely submit the quarterly report due January 10, 2012.

55. One of the conditions of probation provided as follows:

Ethics School

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 Ethics School, and passage of the test given at the end of that session.

56. Respondent did not attend or provide proof of passage of Ethics School within one year of the effective date of the discipline.

57. One of the conditions of probation provided as follows:

Financial Conditions

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 of 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 interests and costs.

<u>Payee</u>	<u>Principal Amt</u>	<u>Interest Accrues From</u>
Alex Williams	\$2,408.00	3/15/07
Alex Gonzalez	\$1,500	2/10/09

Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than one year from the effective date of the discipline herein.

58. Respondent did not pay or provide the Office of Probation with satisfactory proof of payment of any restitution, interest or costs within one year of the effective date of discipline.

CONCLUSIONS OF LAW:

59. By not timely filing the quarterly report due January 10, 2012, by not attending or providing proof of passage of Ethics School within one year of the effective date of the Order, and by

not paying or providing the Office of Probation with satisfactory proof of payment of restitution, interest or costs within one year of the effective date of the Order, respondent failed to comply with her conditions of probation in violation of Business and Professions Code section 6068(k).

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Dishonesty: Respondent's collection of \$4,000 from Perry, her failure to inform Perry of the dismissal of the suit, her affixing the signature of Perry to the substitution and her misrepresentations to the investigator regarding Lewis demonstrates her dishonesty in this matter.

Harm: Respondent's conduct has significantly harmed Lewis and Perry in that they have been deprived of their funds. Lewis has been deprived of \$716.96 and Perry has been deprived of \$15,300.

Indifference: Respondent has not made any effort to provide refunds to Perry or Lewis of the unearned fees.

Multiple/Pattern of Misconduct: Respondent's nine separate acts of misconduct represent multiple acts of misconduct.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing nine acts of professional misconduct. Standard 1.6 (a) requires that where a respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to respondent's misconduct is found in standard 2.3, which applies to respondent's violation of Business and Professions Code section 6106 in the Perry matter.

Standard 2.3 provides that “culpability of a member of an act of moral turpitude, fraud, or 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 extent to which the victim of the misconduct is harmed or misled and 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.

In the Perry matter, respondent’s acceptance of \$4,000 in fees from Perry after the matter had been dismissed with prejudice arose out of the practice of law and on behalf of a client. It involved dishonest conduct toward Perry by concealing a significant fact from Perry. Further, in respondent’s filing of the Mortgage Matter on behalf of Perry she placed him *in pro per*, which was not what they had agreed on. In the Lewis matter respondent misled the investigator. These acts all took place in respondent’s practice of law, involved concealment and other dishonest acts. Moreover, in the two matters respondent had other misconduct including failing to perform competently, failing to communicate, failing to provide accountings and refunds, as well as a violation of her conditions of probation. Standard 1.7 states that a respondent’s discipline shall be greater than that given in an earlier matter. Pursuant to Standard 2.3 the range of discipline for any act of moral turpitude is actual suspension to disbarment. Respondent’s misconduct deserves significant discipline in the form of a long actual suspension. Therefore we know the range of discipline should fall somewhere between 60-days actual suspension and disbarment.

For guidance on the length of the actual suspension, we look at *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 910. *Wells* and the instant case share many similarities including misrepresentations to the investigator, concealment, failure to refund unearned fees, and other dishonest acts amounting to moral turpitude. In *Wells*, the Review Department found that \$6,500 in fees had not been earned and therefore had to be refunded. The respondent in *Wells* had compelling mitigation, but there was also significant aggravation in the matter, including a prior private reproof. Wells received a six-month actual suspension from the practice of law, with an added condition that the suspension would continue until payment of restitution.

Although *Wells* and the current matter share many similarities, the misconduct of respondent is more significant. First, respondent’s prior discipline was 60-days actual suspension from the practice of law, which was far greater than in *Wells*. Second, there is a more pervasive nature to respondent’s misconduct such as filing the Perry lawsuit *in pro per*, misleading the investigator, and continuing to receive the monthly \$800 payments from Perry after his matter had been dismissed. Finally, there is far more aggravation in respondent’s matter coupled with an absence of mitigation, as contrasted to *Wells*. On balance, a two-year actual suspension, and until payment of restitution, will sufficiently protect the public and follow the standards.

PENDING PROCEEDINGS.

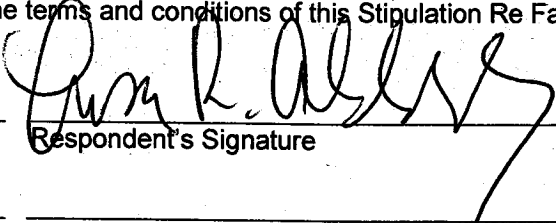
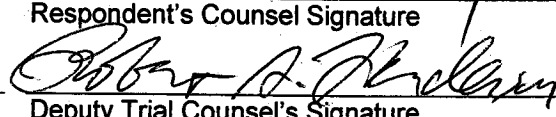
The disclosure date referred to, on page 2, paragraph A(7), was November 16, 2012.

(Do not write above this line.)

In the Matter of: Lisa R. Alexholland	Case number(s): 11-O-18308-PEM [12-O-10439-PEM]
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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>11/16/2012</u> Date	 Respondent's Signature	<u>Lisa R. Alexholland</u> Print Name
<u>11/16/2012</u> Date	 Deputy Trial Counsel's Signature	<u>Robert A. Henderson</u> Print Name

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 San Francisco, on November 28, 2012, 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:

LISA R. ALEXHOLLAND
484 LAKE PARK AVE # 27
OAKLAND, CA 94610

- 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 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:

Robert Henderson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 28, 2012.


George Hue
Case Administrator
State Bar Court