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<b>State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Erica L. M. Dennings Office of the Chief Trial Counsel 180 Howard Street, 7th Fl. San Francisco, CA 94105 (415) 538-2285  Bar # 145755	<b>Case Number(s):</b> 12-H-11016	<b>For Court use only</b>
<b>In Pro Per Respondent</b>  Dani Jo Handell 978 Roseberry Drive Las Vegas, NV 89138  Bar # 130346	<b>PUBLIC MATTER</b>	
<b>In the Matter of:</b> Dani Jo Handell  Bar # 130346  A Member of the State Bar of California (Respondent)	<b>Submitted to: Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  STAYED SUSPENSION; NO ACTUAL SUSPENSION  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>FILED</b>   APR 16 2012  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO		

**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 14, 1987.
- (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."

(Effective January 1, 2011)

Stayed Suspension



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2013, 2014. (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 06-C-14955, 09-C-17903
  - (b)  Date prior discipline effective December 2, 2010
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code § 6068(a)
  - (d)  Degree of prior discipline Public Reprimand
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.

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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 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 has cooperated throughout the 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.

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**Additional mitigating circumstances**

**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:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is placed on probation for a period of 18 months which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

**E. Additional Conditions of Probation:**

(1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2)  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.

(3)  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.

(4)  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.

(5)  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.

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- (6)  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.
- (7)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: See attachment.
- (8)  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.
- (9)  The following conditions are attached hereto and incorporated:
- |  |   |
|--|---|
| <input checked="" 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 within one year. **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:
- (2)  **Other Conditions:**

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Attachment language (if any):

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In the Matter of: Dani Jo Handell SBN 130346	Case Number(s): 12-H-11016
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### Substance Abuse Conditions

a.  Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

b.  Respondent must attend at least eight (8) meetings per month of:

Alcoholics Anonymous

Narcotics Anonymous

The Other Bar

Other program Attendance at an abstinence based self-help group

Respondent shall attend at least eight (8) meetings per month of an abstinence based self-help group of her own choosing, including, inter alia, Alcoholics Anonymous, Narcotics Anonymous, Life Ring, S.M.A.R.T., or S.O.S. Other self-help maintenance programs are acceptable if they include (i) a subculture to support recovery (meetings) and (ii) a process of personal development that does not have financial barriers. The program called "Moderation Management" is not acceptable because it allows participants to continue to consume alcohol.

Before respondent attends her first self-help group meeting, she shall contact the Office of Probation and obtain approval for the program she has selected.

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10<sup>th</sup>) day of the following month, during the condition or probation period.

c.  Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.

d.  Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.

e.  Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of



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this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                    **Dani Jo Handell**

CASE NUMBER(S):                    **12-H-11016**

**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. 12-H-11016:

FACTS:

1. On or about November 23, 2010, respondent signed a stipulation in case numbers 06-C-14955 and 09-C-17093 in which she agreed to receive a reproof and promised to comply with conditions attached to the reproof for a period of one year. The conditions attached to the reproof were specified in the stipulation that respondent signed.

2. On or about December 2, 2010, acting under the authority of Business and Professions Code section 6077, the State Bar Court of California filed an order imposing a reproof upon respondent in case numbers 06-C-14955 and 09-C-17093.

3. Shortly after December 2, 2010, respondent had actual knowledge of the reproof conditions and reproof order.

4. The reproof order and reproof conditions became effective on or about December 23, 2010, and have remained in full force at all times thereafter.

**5. Substance Abuse Conditions.**

(a) One of the conditions of the reproof required respondent to submit reports as follows:

“Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent’s expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent’s blood and/or urine obtained not more than ten (10) days previously.

(b) On or about January 20, 2011, the Office of Probation provided respondent with a Lab Test Information Sheet that set out the requirements of her testing. Section (4) provides: If you are required to test and prove that you abstained, the office of Probation generally requires that you submit to the ten-panel drug test AND EtG test. The Office of Probation will **not** accept test results for ethanol (in lieu of EtG) unless your condition clearly and unequivocally states that such a test is acceptable. Section (6) provides, inter alia, also, a screening report lists all of the items you were tested for with each of the individual results. An overall synopsis, e.g. “negative”, with no breakdown, is **not** accepted by the Office of Probation. Respondent violated

this condition because she failed to submit test results that tested for EtG and/or she failed to submit test results that listed all the items tested for on the following dates: May 2011, June 2011, July 2011, August 2011, and September 2011.

**6. MCLE**

Respondent lives in Nevada and is not required to attend State Bar Ethics School. In lieu of attending Ethics School, respondent must complete six hours of MCLE courses in ethics that are interactive in nature, that is, respondent must attend a course or courses in person. Respondent must provide proof of attendance at these courses to the State Bar Office of Probation.

- (a) Respondent willfully violated this reprobation condition because she failed to complete six hours of MCLE courses by December 23, 2011.

**8. MPRE Condition.**

- (a) One of the conditions of the reprobation provided as follows:

“Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.”

- (b) Respondent willfully violated this reprobation condition because she failed timely to provide proof of passage of the MPRE to the Office of Probation. Respondent took the November 2011 MPRE, but did not pass. To date, respondent has failed to provide proof of passage to the Office of Probation.

**CONCLUSIONS OF LAW**

By not providing lab test results with the required information, not completing six hours of MCLE courses within one year of the effective date of the reprobation, and not taking and passing and providing proof of passage of the MPRE within one year of the effective date of the reprobation, respondent failed to comply with conditions attached to public or private reprovals or other discipline administered by the State Bar, in willful violation of rule 1-110 of the Rules of Professional Conduct.

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was March 21, 2012.

**AUTHORITIES SUPPORTING DISCIPLINE.**

Standards for Attorney Sanctions for Professional Misconduct, standard 2.9; *Conroy v. State Bar* (1990) 51 Cal.3d 799.

**STATE BAR ETHICS SCHOOL.**

Respondent resides in Nevada and is not required to attend State Bar Ethics School. In lieu of attending Ethics School, respondent must complete three hours of MCLE courses in ethics that are interactive in

nature. Respondent must attend her MCLE course or courses in person. Respondent must provide satisfactory proof of attendance at these courses to the State Bar Office of Probation.

### **SUBSTANCE ABUSE CONDITIONS**

- (c) Respondent shall comply with the laboratory testing provisions of the substance abuse conditions for the first six months of probation.

### **ELECTION NOT TO REQUEST STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM.**

By signing this stipulation, respondent acknowledges that she was provided information about the State Bar Court's Alternative Discipline Program, that she was offered the opportunity to request referral to and participation in that program, and that she has elected not to do so.

### **OTHER AGREEMENTS AND CONDITIONS.**

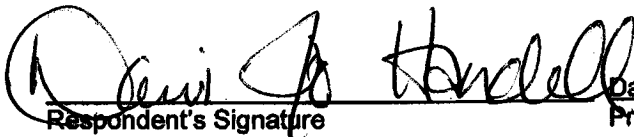

The parties understand and agree that because respondent resides outside California, all of the conditions of her discipline and probation will be completed outside California.

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In the Matter of Dani Jo Handell SBN 130346	Case number(s): 12-H-11016
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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>3/26/12</u> Date	 Respondent's Signature	Dani Jo Handell Print Name
<u>2 April 2012</u> Date	N/A Respondent's Counsel Signature	Print Name
<u>2 April 2012</u> Date	 Deputy Trial Counsel's Signature	Erica L.M. Dennings Print Name

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In the Matter of: Dani Jo Handell SBN 130346	Case Number(s): 12-H-11016
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### STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

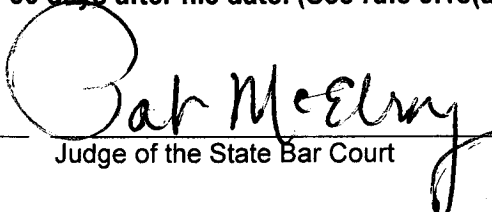
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On p. 2, B. (1)(b) Date prior discipline effective. Delete "December 2, 2010" and replace it with "December 23, 2010."

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

Date

April 16, 2012

  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, On April 16, 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:

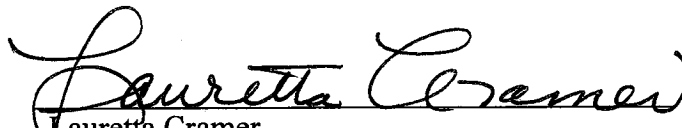
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

DANI JO HANDELL  
978 ROSEBERRY DR  
LAS VEGAS, NV 89138

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

ERICA DENNINGS , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 16, 2012.

  
Laurretta Cramer  
Case Administrator  
State Bar Court