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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  <b>Shane C. Morrison</b> <b>Deputy Trial Counsel</b> <b>845 S. Figueroa St.</b> <b>Los Angeles, CA 90017</b> <b>(213) 765-1000</b>  Bar # 284115	Case Number(s): <b>14-H-04076</b>	For Court use only  <b>FILED</b> <i>ffc</i> <b>DEC 18 2015</b>  STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent  <b>Krishna Gene Haney</b> <b>1741 W. Haddon Ave.</b> <b>Chicago, IL 60622</b> <b>(619) 719-9842</b>  Bar # 229652	<b>PUBLIC MATTER</b>	
In the Matter of: <b>KRISHNA GENE HANEY</b>  Bar # 229652  A Member of the State Bar of California (Respondent)	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> 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 **December 17, 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".

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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles immediately following the effective date of the Supreme Court order in this matter.** (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **12-C-15307 (see Attachment to Stipulation at pp. 9-10).**
  - (b)  Date prior discipline effective **June 24, 2013.**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Violations of Vehicle Code section 23152(a) and Health and Safety Code section 11550, which constituted other conduct warranting discipline under Business and Professions Code sections 6101 and 6102.**
  - (d)  Degree of prior discipline **Public Reproval.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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- (7)  **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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. (See Attachment to Stipulation at p. 10.)
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. 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 likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 with a good faith belief that was honestly held and objectively reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (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 extraordinarily 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:**

**Physical Disability (see Attachment to Stipulation at pp. 9-10).**  
**Severe Financial Stress (see Attachment to Stipulation at p. 10).**  
**Pretrial Stipulation (see Attachment to Stipulation at p. 10).**

**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 fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **60 days**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

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- 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: **Complete six hours of live, in-person Minimum Continuing Legal Education (MCLE) approved courses in legal ethics offered through a certified MCLE provider in Illinois or California and provide satisfactory proof of same to the Office of Probation.**

### **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 present learning and ability in the general law, pursuant to standard 1.2(c)(1), 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.

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- No Ethics School recommended. Reason: **In lieu of the Ethics School condition, because respondent lives out of state, she may substitute the following, which shall satisfy said condition: complete six hours of live, in-person Minimum Continuing Legal Education (MCLE) approved courses in legal ethics offered through a certified MCLE provider in Illinois or California and provide satisfactory proof of same to the Office of Probation.**
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), 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:                      KRISHNA GENE HANEY  
CASE NUMBER:                              14-H-04076

**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. 14-H-04076 (State Bar Investigation)**

**FACTS:**

1. On June 3, 2013, respondent entered into a stipulation for a public reproof with conditions for a period of one year in State Bar Case Number 12-C-15307.
2. On June 4, 2013, the State Bar Court issued a Reproof Order approving the stipulation and imposing the public reproof.
3. The reproof conditions included, among other things, the following requirements:
  - a. Causing a licensed medical laboratory to provide screening reports containing an analysis of respondent's blood and/or urine on or before the tenth day of each month during the reproof period;
  - b. Submitting Quarterly Reports on or before each January 10, April 10, July 10, and October 10 of the reproof period;
  - c. Providing proof of attendance at two meetings per month of an abstinence-based self-help group, due on or before the tenth day of the subsequent month, during each month of the reproof period;
  - d. Providing proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session, within one year of the effective date of the reproof; and
  - e. Providing proof of passage of the Multistate Professional Responsibility Examination ("MPRE") within one year of the effective date of the reproof.
4. The reproof and conditions became effective June 24, 2013.
5. On June 28, 2013, The Office of Probation (Probation) received an email indicating respondent had enrolled with a licensed medical laboratory, FirstLab, to complete her medical laboratory screening condition.

6. Respondent thereafter failed to comply with her medical laboratory screening condition as follows:

- a. On August 14, 2013, Probation received the screening report from FirstLab that was due on or before August 10, 2013. Respondent provided her urine sample on August 9, 2013.
- b. On September 10, 2013, Probation received the screening report from FirstLab that was due on or before July 10, 2013. Respondent provided her urine sample on September 6, 2013.
- c. On November 19, 2013, Probation received the screening report from FirstLab that was due on or before November 10, 2013. Respondent provided her urine sample on November 14, 2013.
- d. On December 16, 2013, Probation received the screening report from FirstLab that was due on or before December 10, 2013. Respondent provided her urine sample on December 10, 2013.
- e. On January 31, 2014, Probation received the screening report from FirstLab that was due on or before January 10, 2014. Respondent provided her urine sample on January 27, 2014.
- f. On February 14, 2014, Probation received the screening report from FirstLab that was due on or before February 10, 2014. Respondent provided her urine sample on February 7, 2014.
- g. On March 14, 2014, Probation received the screening report from FirstLab that was due on or before March 10, 2014. Respondent provided her urine sample on March 10, 2014.
- h. On April 15, 2014, Probation received the screening report from FirstLab that was due on or before April 10, 2014. Respondent provided her urine sample on April 10, 2014.
- i. On May 24, 2014, Probation received the screening report from FirstLab that was due on or before May 10, 2014. Respondent provided her urine sample on May 16, 2014.
- j. On June 23, 2014, Probation received the screening report from FirstLab that was due on or before June 10, 2014. Respondent provided her urine sample on June 17, 2014.

7. Respondent failed to comply with her Quarterly Reporting condition as follows:

- a. On January 9, 2014, respondent attempted to file the Quarterly Report that was due on January 10, 2014. The report was not filed because it was submitted electronically and did not contain an original signature.



b. On February 6, 2014, respondent filed the Quarterly Report that was due on January 10, 2014. The report contained an original signature and was therefore filed.

8. Respondent failed to comply with her abstinence-based self-help group condition as follows:

a. On June 3, 2014, respondent filed proof of attendance at two meetings of an abstinence-based self-help group during the month of April 2014 that was due on May 10, 2014.

b. Respondent failed to provide proof of attendance at two meetings per month of an abstinence-based self-help group during the months of May and June 2014.

9. Respondent failed to comply with her State Bar Ethics School condition as follows:

a. Respondent failed to provide proof of attendance at a session of Ethics School, and passage of the test given at the end of that session, that was due on June 25, 2014. To date, respondent has not attended Ethics School.

10. Respondent failed to comply with her MPRE condition as follows:

a. Respondent failed to provide proof of passage of the MPRE that was due on June 25, 2014. To date, respondent has not taken the MPRE.

#### CONCLUSIONS OF LAW:

11. By failing to timely cause a licensed medical laboratory to provide to the Office of Probation screening reports containing an analysis of respondent's blood and/or urine that were due on July 10, 2013, August 10, 2013, November 10, 2013, December 10, 2013, January 10, 2014, February 10, 2014, March 10, 2014, April 10, 2014, May 10, 2014, and June 10, 2014; by failing to timely submit to the Office of Probation the Quarterly Report that was due on January 10, 2014; by failing to timely provide to the Office of Probation proof of attendance at two meetings of an abstinence-based self-help group during the month of April 2014; by failing to provide to the Office of Probation proof of attendance at two meetings per month of an abstinence-based self-help group during the months of May and June 2014; by failing to provide to the Office of Probation proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session, that was due on June 25, 2014; and by failing to provide to the Office of Probation proof of passage of the MPRE that was due on June 25, 2014, respondent failed to comply with the conditions attached to the public reproof administered by the State Bar Court in case number 12-C-15307, in willful violation of Rules of Professional Conduct, rule 1-110.

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has one prior imposition of discipline. In connection with State Bar Court Case Number 12-C-15307, respondent was publicly reproofed with conditions for a period of one year, effective June 24, 2013, pursuant to a stipulation in which respondent acknowledged that: she was convicted of violating Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs] and Health and Safety Code section 11550 [being under the influence of a controlled substance]; and the facts and circumstances surrounding those violations did not involve moral turpitude but did involve other conduct warranting discipline under Business and

Professions Code sections 6101 and 6102. The above criminal acts occurred on June 17, 2011 and respondent was convicted on July 16, 2012. The prior misconduct was mitigated by respondent's lack of prior discipline and her candor and cooperation in entering into a stipulation prior to trial. The prior misconduct did not involve aggravating circumstances.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent failed to comply with numerous conditions of her public reproof.

#### MITIGATING CIRCUMSTANCES.

**Physical Disability:** On April 24, 2014, respondent was involved in an accident and suffered a concussion, amongst other injuries. On April 29, 2014, respondent was placed on total work restriction for a period of two weeks. Thereafter, respondent suffered from post-concussion syndrome, received treatment in May, June, and July of 2014, and was placed on limited work restrictions until July 2014. Respondent does not presently suffer from post-concussion syndrome. While respondent's injuries and subsequent disability were sustained after many of the acts of misconduct in this matter had already occurred, and therefore do not mitigate such misconduct (*In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676 [evidence of severe emotional problems does not mitigate misconduct which arose prior to the triggering of the attorney's emotional difficulties]), they did interfere with her attempts to comply with certain of her conditions prior to termination of the reproof period.

**Severe Financial Stress:** In August 2013, respondent became homeless due to extreme financial distress. Between August 2013 and April 2014, respondent resided in her car and at an emergency housing facility. Respondent's misconduct in this matter occurred between July 2013 and June 2014. As such, respondent was experiencing a period of homelessness during the majority of the time period where she was committing misconduct. Because respondent's misconduct was, to some extent, attributable to her financial difficulties and homelessness, and respondent is presently able to afford housing, this factor can properly be considered in mitigation. (*In the Matter of Mapps* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 1.) However, respondent's financial stress is properly accorded less weight than would otherwise be appropriate because there is no expert testimony clearly establishing a nexus between her personal difficulties and her failure to comply with her professional obligations. (*In the Matter of Ward* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47.)

**Pretrial Stipulation:** Respondent is entitled to mitigating credit for entering into this stipulation as to facts and conclusions of law, thereby obviating the need for trial and saving State Bar resources, and evidencing a recognition of her wrongdoing. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

#### AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

By failing to comply with the conditions attached to her public reproof, respondent willfully violated Rules of Professional Conduct, rule 1-110. Standard 2.14 provides that actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member’s unwillingness or inability to comply with disciplinary orders.

Here, respondent has failed to comply with numerous conditions of her public reproof. Many of the violations concern screening for drug and alcohol usage, and proof of attendance at abstinence-based self-help groups. Respondent’s underlying discipline was related to a conviction for driving under the influence. The conditions violated are therefore closely related to the previous misconduct, which calls for a greater degree of discipline than would otherwise be necessary. (See *In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 528.) Additionally, respondent began violating her reproof conditions within a month of the discipline becoming effective, and she continued violating conditions throughout the entire period of the reproof. However, respondent’s misconduct was also mitigated by the fact that she was experiencing a period of homelessness due to extreme financial distress throughout the majority of the reproof period. Additionally, respondent sustained injuries during a traumatic accident that interfered with her ability to attend the session of Ethics School and administration of the MPRE for which she had registered. Those facts, combined with respondent’s entering into this stipulation, indicate that she is not unwilling or unable to comply with disciplinary orders. As such, discipline at the low end of the range provided in standard 2.14 is warranted in the present matter.

In determining the appropriate level of discipline under the Standards, we look to the decisional law for guidance. (*In re Morse* (1995) 11 Cal.4th 184, 207.)

In *Conroy v. State Bar* (1990) 51 Cal. 3d 799, the attorney received a private reproof with conditions, including that he was required to take and pass the Professional Responsibility Examination (PRE) within one year of the effective date of the reproof. The attorney failed to do so, but completed the examination at the first opportunity thereafter. (*Id.* at p. 804.) The misconduct was aggravated by the attorney’s one prior record of discipline, as well as his failure to participate in the disciplinary proceedings at the Hearing Department level, where he defaulted. The misconduct was mitigated by his eventual, untimely fulfillment of the PRE requirement. (*Id.* at p. 805.) The California Supreme Court

imposed discipline consisting of one year of stayed suspension and one year of probation with conditions including sixty days of actual suspension. (*Id.* at p. 806.)

In the present matter, as opposed to the attorney in *Conroy*, respondent has participated in this disciplinary proceeding. However, she also has not completed Ethics School or the MPRE, which undermines an important mitigating factor that weighed into the imposition of a sixty day actual suspension in *Conroy*, and her prior record of discipline is a public reproof, as opposed to the private reproof involved in *Conroy*. But there are mitigating circumstances present in this matter, namely respondent's severe financial stress, which were not present in *Conroy*. While the present matter is factually distinguishable from *Conroy*, on balance, the violations and mitigating and aggravating factors are comparable. As such, discipline comparable to that imposed in *Conroy* is appropriate in the present matter.

In light of the foregoing, the appropriate level of discipline in the present matter is one year of stayed suspension and one year of probation with conditions including sixty days of actual suspension. A sixty day actual suspension will best serve the goals of protection of the public, the courts, and the legal profession.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of November 24, 2015, the prosecution costs in this matter are \$5,680. 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.

#### **EXCLUSION FROM MCLE CREDIT**

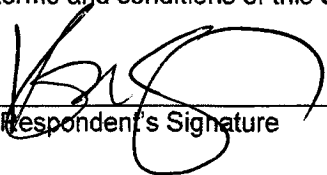

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of any educational courses to be ordered as a condition of her suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>KRISHNA GENE HANEY</b>	Case number(s): <b>14-H-04076</b>
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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>11/26/15</u> Date	 Respondent's Signature	<u>Krishna Gene Haney</u> Print Name
<u>                    </u> Date	<u>                    </u> Respondent's Counsel Signature	<u>PRO PER</u> Print Name
<u>12/2/15</u> Date	 Deputy Trial Counsel's Signature	<u>Shane C. Morrison</u> Print Name

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In the Matter of: KRISHNA GENE HANEY	Case Number(s): 14-H-04076
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### ACTUAL 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 page 2 of the Stipulation, at paragraph B.(1)(b), "June 24, 2013" is deleted, and in its place is inserted "June 25, 2013".
2. On page 4 of the Stipulation, under "Additional mitigating circumstances: [ ] Physical Disability," "pp. 9-10" is deleted, and in its place is inserted "p. 10".
3. On page 6 of the Stipulation, at paragraph E.(8), the following language is added: "This MCLE requirement is not a separate probation condition, however, as respondent will remain actually suspended until she provides satisfactory proof of such MCLE courses to the Office of Probation (See Stipulation, page 4, at paragraph D.(3)(a)iii)"
4. On page 7 of the Stipulation, at numbered paragraph 4, "June 24, 2013" is deleted, and in its place is inserted "June 25, 2013".
5. On page 9 of the Stipulation, under the heading "Aggravating Circumstances," line 3, "June 24, 2013" is deleted, and in its place is inserted "June 25, 2013".

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.)**

December 18, 2015  
Date

*Rebecca Meyer Rosenberg*  
REBECCA MEYER ROSENBERG, JUDGE PRO TEM  
Judge of the State Bar Court  
Pro Tem