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**ORIGINAL**

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

<p>Counsel For The State Bar</p> <p><b>Heather E. Abelson</b> Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2357</p> <p>Bar # 243691</p>	<p>Case Number(s): <b>14-O-04151</b></p>	<p>For Court use only</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b> rb</p> <p><b>JUL 16 2015</b></p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Shon Michael Northam</b> Law Office of Shon Northam 1558 West Street, Suite 3 Redding, CA 96001 (530) 244-1870</p> <p>Bar # 202912</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>SEAN MICHAEL NORTHAM</b></p> <p>Bar # 202912</p> <p>A Member of the State Bar of California (Respondent)</p>		

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **November 29, 1999**.
- (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 **12** 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, 2014)



- (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: (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(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See "Facts Supporting Aggravating Circumstances" in the attachment hereto at page 9.**

- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances**

**C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious.
- (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 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 with a good faith belief that was honestly held and 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 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. **See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 9.**
- (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. **See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 9.**
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.

(Do not write above this line.)

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(13)  No mitigating circumstances are involved.

**Additional mitigating circumstances**

**No Prior Discipline - See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 9.**

**Prefiling Stipulation - See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 9.**

#### D. Discipline:

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law 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 1.2(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:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is placed on probation for a period of **two years**, 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.

- (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: .
- (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 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:**



10. On July 7, 2014, respondent appeared in court at a plea and trial setting hearing on behalf of his client in *People v. Michael Scott Aubrey*, Shasta County Superior Court, case no. 13F4527.

11. On July 7, 2014, respondent appeared in court at a restitution hearing on behalf of his client in *People v. Daniel Lynn Epperson*, Shasta County Superior Court, case no. 13F5009.

12. On July 8, 2014, respondent appeared in court at a felony arraignment hearing on behalf of his client in *People v. Jane Ellen Farwell*, Tehama County Superior Court, case no. NCR90471.

13. On July 9, 2014, respondent appeared in court at a plea hearing on behalf of his client in *People v. Tanishia Savannah Williams*, Shasta County Superior Court, case no. 14F2849.

14. On July 10, 2014, respondent appeared in court at a settlement conference on behalf of his client in *Gwaltney v. Gwaltney*, Shasta County Superior Court, case no. 13 CV FL 0176573.

15. On July 10, 2014, respondent appeared in court at a trailing case hearing on behalf of his client in *People v. Randall Jon Morley*, Shasta County Superior Court, case no. 13F6487.

16. On July 10, 2014, respondent appeared in court at a sentencing hearing on behalf of his client in *People v. Louis Ray Sanchez*, Shasta County Superior Court, case no. 14F1081.

17. On July 11, 2014, respondent appeared in court at a trial readiness conference on behalf of his client in *People v. Nick Her*, Shasta County Superior Court, case no. 13F5183.

18. On July 11, 2014, Member Services sent a letter to respondent stating that respondent had been enrolled as ineligible to practice law as of July 1, 2014.

19. On July 14, 2014, respondent appeared in court at a trial setting conference on behalf of his client in *People v. Donnie Jay Ferguson*, Shasta County Superior Court, case no. 10F1267.

20. On July 14, 2014, respondent appeared in court at a plea hearing on behalf of his client in *People v. Richard Earl Senne*, Shasta County Superior Court, case no. 13F2503.

21. On July 14, 2014, respondent appeared in court at a plea hearing on behalf of his client in *People v. Geraldine Walker*, Shasta County Superior Court, case no. 12F2909. Following this hearing, the judge called respondent into his chambers and told him that had he just received an email informing the court that respondent was not entitled to practice law. The judge showed respondent that State Bar website, and respondent stated that he believed that it related to his MCLE. The court then referred the matter to the State Bar.

22. On July 15, 2014, respondent provided proof of MCLE compliance to Member Services.

23. On July 16, 2014, Member Services sent a letter to respondent stating that respondent had been placed on active status as of July 16, 2014.

#### CONCLUSIONS OF LAW:

24. By appearing in court on fourteen different occasions, on behalf of fourteen different clients, respondent held himself out as entitled to practice law when he was not an active member of the State



Bar in willful violation of Business and Professions Code, sections 6125 and 6126, thereby failing to support the laws of the State of California, in willful violation of Business and Professions Code, section 6068(a).

#### **FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent appeared at fourteen court appearances on behalf of fourteen clients while not entitled to practice law, each of which constitutes an act of misconduct. Respondent's multiple acts of misconduct constitute an aggravating circumstance pursuant to Standard 1.5(b).

#### **FACTS SUPPORTING MITIGATING CIRCUMSTANCES.**

**No Prior Discipline:** Although respondent's misconduct is serious, he is entitled to some mitigation for having practiced law for approximately 15 years without discipline. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

**Emotional/Physical Difficulties (Std. 1.6(d)):** Respondent suffered from extreme emotional distress due to his brother's murder at the hand of respondent's nephew, and the subsequent criminal investigation and prosecution of respondent's nephew. Respondent's emotional distress caused him to be less diligent in paying his bar dues, completing his MCLE requirements, confirming compliance of his MCLE requirements with the State Bar, and confirming that was on active status prior to engaging in the acts of UPL set forth above. Respondent's emotional distress constitutes a mitigating circumstance pursuant to Standard 1.6(d)

**Good Character (Std. 1.6(f)):** Respondent provided nine character reference letters from a wide range of references in the legal and general communities, who are aware of the full extent of respondent's misconduct. Respondent's good character constitutes a mitigating circumstance pursuant to Standard 1.6(f).

**Prefiling Stipulation:** Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to the State Bar filing a Notice of Disciplinary Charges, thereby saving State Bar Court time and resources. (*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 Silverton* (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).)

To determine the appropriate level of discipline, additional Standards should be considered. In this matter, Standard 2.6(b) applies based on respondent’s violation of Business and Professions Code section 6068(a). Standard 2.6(b) provides that “[s]uspension or reproof is appropriate when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on inactive status or actual suspension for non-disciplinary reasons, such as non-payment of fees or MCLE non-compliance. The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law.”

Here, respondent’s misconduct warrants a two-year stayed suspension, as opposed to a reproof, because respondent credibly did not know that he was not entitled to practice law, yet should have taken additional steps to confirm that he had not been placed on not eligible to practice law status for failure to report MCLE compliance. (*See e.g., Crawford v. State Bar* (1960) 54 Cal.2d 659, 666 [UPL includes mere holding oneself out as entitled to practice law].) A higher level of discipline is not warranted because respondent unlawfully practiced law during a short time period (i.e. two weeks), and corrected his misconduct once the judge apprised him of the fact that he was suspended. Respondent’s misconduct is also mitigated by entering into a pre-filing stipulation, no prior discipline, good character, and extreme emotional distress.

“Practicing law while suspended has resulted in a range of discipline from suspension to disbarment, depending on the circumstances of the misconduct, including the nature of any companion charges and the existence and gravity of prior disciplinary proceedings.” (*In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) For example, in a more aggravated disciplinary matter, *In the Matter of Wells* (Review Dept. 2006), 4 Cal. State Bar Ct. Rptr. 896, the Review Department recommended that the attorney be actually suspended for six months for engaging in the unauthorized practice of law in another jurisdiction, charging an illegal fee, failing to refund unearned fees, failing to maintain funds in trust, and committing acts of moral turpitude, in two client matters. (*Id.* at 899.) The Review Department found that the attorney’s misconduct was aggravated by a prior private reproof, multiple acts of misconduct, significant harm, and indifference. (*Id.* at 912.) The court found the attorney’s misconduct was mitigated by extreme emotional distress, good character, and entering into a stipulation of material facts. (*Id.* at 913.)

Here, respondent’s misconduct is significantly less egregious than attorney Wells’ misconduct since respondent only held himself out as entitled to practice law, there are no companion charges, and there is no prior record to discipline. Because respondent’s misconduct is significantly less egregious than attorney Wells’ misconduct, the appropriate level of discipline should be substantially less than six months’ actual suspension.

Balancing all of the appropriate factors, a two-year stayed suspension is consistent with Standard 2.6(b) and applicable caselaw, and appropriate taking into consideration the facts and circumstances of this case.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 15, 2015, the prosecution costs in this matter are \$3194.29. 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 State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: SHON MICHAEL NORTHAM	Case number(s): 14-O-04151
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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.

6/24/15 \_\_\_\_\_  
Date Respondent's Signature Shon Michael Northam  
Print Name

\_\_\_\_\_  
Date Respondent's Counsel Signature Print Name  
4/25/15 \_\_\_\_\_  
Date Deputy Trial Counsel's Signature Heather E. Abelson  
Print Name

(Do not write above this line.)

In the Matter of: SHON MICHAEL NORTHAM	Case Number(s): 14-O-04151
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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:

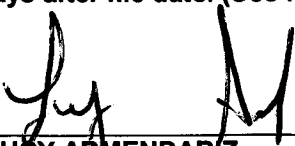
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page 1 of the Stipulation, in the caption box that contains the case information, including the information identifying the parties:

Delete the name "SEAN " from the name "SEAN MICHAEL NORTHAM" and in its place Insert the name "SHON" so that the name reads, "SHON MICHAEL NORTHAM."

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.)**

July 16, 2015  
Date

  
LUCY ARMENDARIZ  
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 July 16, 2015, 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:

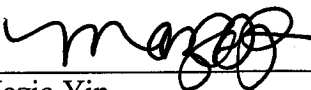
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

SHON M. NORTHAM  
LAW OFFICE OF SHON NORTHAM  
1558 WEST ST STE 3  
REDDING, CA 96001

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

HEATHER ABELSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 16, 2015.

  
\_\_\_\_\_  
Mazie Yip  
Case Administrator  
State Bar Court