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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

<p>Counsel For The State Bar</p> <p>Alex Hackert Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 213-765-1498</p> <p>Bar # 267342</p>	<p>Case Number(s): 15-O-15209-YDR & 15-O-15625</p> <p>PUBLIC MATTER</p>	<p>For Court use only</p> <p>FILED</p> <p>AUG 30 2016 <i>[Signature]</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Nolan F. King 1365 W. Foothill Blvd. #2 Upland, CA 91786 909-931-0010</p> <p>Bar # 93358</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: LOUISE A. LEWIS</p> <p>Bar # 102792</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 **June 10, 1982**.
- (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 **16** 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."



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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):
- 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-O-11461.**
 - (b) Date prior discipline effective **April 5, 2013.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-310 (A) and Business and Professions Code section 6068(m).**
 - (d) Degree of prior discipline **public reproof.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

See page 10-11.

- (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.
- (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:

Pretrial Stipulation, see page 11.

Good Character, see page 11.

Pro Bono Work, see page 11.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **3 years**.
- 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 **3 years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **18 months**.

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- 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:

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.

- No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" 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:**

(a) Mental Health Treatment Conditions, see page 14-15.

(b) Since respondent has previously been ordered to provide proof of passage of the MPRE to the Office of Probation pursuant to Supreme Court Order S225246 (State Bar Court Case No. 14-H-03096), should respondent complete that requirement prior to the effective date of discipline in this matter and provide the Office of Probation with satisfactory proof of such, then the MPRE requirement shall be deemed completed for the purposes of this stipulation.

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In the Matter of: LOUISE A. LEWIS	Case Number(s): 15-O-15209-YDR and 15-O-15625
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Law Office Management Conditions

- a. Within days/**18** months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.

- b. Within days/ months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)

- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LOUISE A. LEWIS
CASE NUMBERS: 15-O-15209-YDR and 15-O-15625

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. 15-O-15625 (State Bar Investigation)

FACTS:

1. On May 26, 2015, the California Supreme Court filed Order Number S225246 (State Bar Court Case No. 14-H-03096) (“Supreme Court order”), which ordered that respondent be suspended from the practice of law for of 1 year, that execution of the suspension be stayed, and that respondent be placed on probation for 1 year, subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its January 28, 2015 Order Approving Stipulation, including that respondent be actually suspended for 30 days. Probation conditions included that respondent submit quarterly reports to the State Bar’s Office of Probation (“Office of Probation”) and contact the Office of Probation within 30 days from the effective date of discipline to schedule a meeting with her assigned probation deputy. At the expiration of the period of probation, if respondent completed all the conditions of her probation, the 1-year period of stayed suspension would be satisfied and that suspension would be terminated. The effective date of discipline was June 25, 2015.

2. Toward the end of May 2015 respondent received the Supreme Court order, but was unaware that she had received it. Respondent failed to review the order until she opened the envelope it was mailed in sometime in July 2015. Respondent was aware that her suspension was forthcoming, but was not sure exactly when it would take effect. Around the end of May 2015 respondent was primarily focused on preparing an appellate brief and had not been keeping track of her mail regarding non-client matters.

3. On June 16, 2015, the assigned probation deputy sent a letter to respondent’s membership record address reminding respondent of the terms of the Supreme Court Order. The letter explicitly listed the above-mentioned terms of respondent’s probation, and the deadlines for each condition’s completion. Respondent received this letter.

4. On September 18, 2015, the probation deputy sent a non-compliance letter to respondent’s membership record address and to respondent’s e-mail address. The letter stated that respondent had not contacted the Office of Probation to schedule her required meeting. Respondent received this letter.

5. Respondent did not timely file her first quarterly report that was due by October 10, 2015.

6. On November 10, 2015, the probation deputy called respondent's office. A staff member said respondent would return the call, but respondent never did.

7. Respondent did not timely file the quarterly report that was due by January 10, 2016.

8. Respondent did not timely file the quarterly report that was due by April 10, 2016.

9. On June 2, 2016, respondent belatedly submitted to the Office of Probation the quarterly reports that were due by October 10, 2015, January 10, 2016 and April 10, 2016.

10. Respondent contacted her assigned probation deputy and held her required meeting on June 15, 2016.

CONCLUSIONS OF LAW:

11. By failing to contact the Office of Probation to schedule a meeting within 30 days from the effective date of discipline, and by failing to timely submit the quarterly reports due by October 10, 2015, January 10, 2016 and April 10, 2016 to the Office of Probation, respondent failed to comply with conditions attached to her disciplinary probation from Supreme Court Order Number S225246 (State Bar Court Case No. 14-H-03096), in willful violation of Business and Professions Code section 6068(k).

Case No. 15-O-15209 (Complainant: Andrew J. Wright)

FACTS:

12. Pursuant to California Supreme Court Order Number S225246 (State Bar Court Case No. 14-H-03096) ("Supreme Court order"), filed on May 26, 2015, respondent was actually suspended from the practice of law for 30 days, between June 25, 2015 and July 25, 2015.

13. On June 29, 2015, respondent, on behalf of her client, Roberta Govro, filed Appellants' Opening Brief and Appellants' Appendix Vols. 1 and 2 in *Govro v. London Company, LLP et al.*, California Court of Appeal, Second Appellate District, case no. B262396 ("the Govro matter"), and by doing so held herself out as being entitled to practice law, and actually practiced law, when she was not an active member of the State Bar.

14. Toward the end of May 2015 respondent received the Supreme Court order notifying her of the date the suspension would take effect. However, respondent did not open the letter until sometime in July 2015.

15. While respondent was working on the appellate brief in the *Govro* matter, she was aware that her suspension was forthcoming, but was not sure exactly when. Nevertheless, she was aware that a discipline order suspending her from the practice of law for 30 days would be forthcoming around that time. Respondent was primarily focused on the appeal and did not keep track of her mail regarding non-client matters, and was not watching for the order regarding her suspension. She discovered that she was suspended sometime in July 2015 when she opened the letter containing the Supreme Court order. After learning of her suspension, respondent notified her client about it.

CONCLUSIONS OF LAW:

16. By filing Appellants' Opening Brief and Appellants' Appendix Volumes 1 and 2 in the *Govro* matter on behalf of her client, on June 29, 2015, respondent held herself out as being entitled to practice law, and actually practiced law, when she was not an active member of the State Bar, and thereby engaged in the unauthorized practice of law in violation of Business and Professions Code sections 6125 and 6126, respondent willfully violated Business and Professions Code section 6068(a).

17. By filing Appellants' Opening Brief and Appellants' Appendix Volumes 1 and 2 in the *Govro* matter on behalf of her client, on June 29, 2015, when respondent was grossly negligent in not knowing that she was not an active member of the State Bar, respondent committed an act involving moral turpitude, dishonesty or corruption in violation of Business and Professions Code section 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)). Respondent has two prior records of discipline.

Respondent's first record of discipline resulted in a public reproof with conditions for one year, effective April 5, 2013 (State Bar Case No. 12-O-11461). Respondent stipulated to one count of violating Rules of Professional Conduct, rule 3-310 (A) (repeatedly failing to perform legal services with competence) and one count of violating Business and Professions Code section 6068(m) (failing to keep a client reasonably informed of a significant development in matter in which the attorney had agreed to provide legal services).

The misconduct in this case occurred in 2010 and 2011 regarding a single client matter. Respondent did not timely appear for trial in her client's action, resulting in a judgment against her client. After judgment was entered, respondent filed a notice of intent to move for a new trial, but did not provide any supporting documentation. Respondent did not file a motion for a new trial, but instead filed a notice of appeal. Respondent did not pursue the appeal, and failed to inform her client that the appeal was dismissed. A complaint for abuse of process and malicious prosecution was then filed by the opposing party against respondent's client. In aggravation, respondent's misconduct caused harm to her client. In mitigation, respondent demonstrated remorse, recognition of wrongdoing, and atonement for the consequences of her misconduct, had no prior record of discipline in 28 years of practice prior to the misconduct, entered into a pretrial stipulation, the misconduct occurred over a short period of time, and respondent was undergoing domestic and health difficulties.

Respondent's second record of discipline included a 1-year stayed suspension, with 2 years of probation, including the condition that respondent be actually suspended for 30 days (State Bar Case No. 14-H-03096). Respondent stipulated to one count of violating Rules of Professional Conduct, rule 1-110 (failing to comply with conditions of a reproof), in connection with the discipline imposed in State Bar Case No. 12-O-11461. Here, respondent failed to timely contact the assigned probation deputy to schedule her required meeting, failed to timely submit her final report to the Office of Probation, failed to timely complete State Bar Ethics School, and failed to submit proof of passage of the MPRE. In aggravation, respondent had a prior record of discipline and committed multiple acts of misconduct for violating multiple reproof conditions. Respondent was given mitigating credit for extreme emotional difficulties and for entering into a pretrial stipulation. As to the former factor, during respondent's reproof period, her husband, best friend and stepfather all passed away. Respondent then became the primary care-taker for her elderly mother, which interfered with her efforts to take the

MPRE and attend Ethics School. Respondent's law partner then passed away, and respondent had to manage his caseload.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*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]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

Good Character. Respondent provided evidence of 13 individuals who are willing to attest to their belief in respondent's good character, honesty, compassion, generosity and integrity. These references include respondent's former office manager and paralegals, small business owners, an attorney and several former clients. All but a few of these references indicated that they were aware of the misconduct at issue in this case. Based on these references, respondent is entitled to mitigating credit. (*In the Matter of Taylor* (2012) 5 Cal. State Bar. Ct. Rptr. 221, 235.)

Pro Bono Work. Respondent provided evidence of 10 individuals who are willing to attest to respondent's significant pro bono work. Respondent's pro bono work includes helping a woman in an abusive relationship obtain a divorce, assisting a defendant in several collections cases, helping a landlord with an unlawful detainer case against a difficult and threatening tenant, helping a young military veteran in another unlawful detainer case, in addition to working on other civil cases, conservatorships and powers of attorney. Many of these pro bono clients were in desperate financial situations and lacked money to pay for legal services. Respondent's pro bono work entitles her to mitigation. (See *Calvert v. State Bar* (1991) 54 Cal.3d 765, 785 [mitigation for attorney's, "substantial record of pro bono activities and community service."])

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.) 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).)

Since respondent has two prior records of discipline, Standard 1.8(b) must be addressed, which provides that:

If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct:

1. Actual suspension was ordered in any one of the prior disciplinary matters;
2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or
3. The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities.

Seemingly Standard 1.8(b) would apply here, however, case law supports the proposition that not every case in which Standard 1.8(b) applies is automatically appropriate for disbarment, and in the instant matter, a deviation from Standard 1.8(b) is appropriate. The California Supreme Court has long held that disbarment is not always mandated under Standard 1.8(b) (and its predecessor, Standard 1.7(b)), even where there are no compelling mitigating circumstances that predominate in a case. (*Conroy v. State Bar* (1991) 53 Cal.3d 495, 506-507 [attorney found to have abandoned a client and had two prior records of discipline, including a private reproof and a sixty-day actual suspension, with aggravation for failing to cooperate, and no evidence of mitigation presented, but a one year actual suspension imposed rather than disbarment].)

"Merely declaring that an attorney has [multiple] impositions of discipline, without more analysis, may not adequately justify disbarment in every case." (*In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131,136.) Disbarment recommendations under Standard 1.8(b) should not be made solely on the number of times a respondent has been disciplined without giving due regard for the nature and extent of respondent's prior records of discipline and the facts and circumstances of the present misconduct. (*In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 704; see also *Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222 [court not bound to follow Standards in a "talismanic" fashion, allowing for findings "with considerations peculiar to the offense and the offender"].)

In respondent's two prior records of discipline and the instant matter, the common thread is respondent's emotional difficulties stemming from the passing of several people close to her, which forced her transition from practicing law with a partner to solo practice. These emotional difficulties, for which respondent has now enrolled in a weekly grief support group, and the fact that respondent is now belatedly complying with her probation conditions suggests that respondent is not habitually unwilling or unable to conform to her ethical responsibilities. Based on these considerations, deviation from

Standard 1.8(b) is warranted. (Compare with *In the Matter of Sullivan* (Review Dept. 2010) 5 Cal. State Bar Ct. Rptr. 189 [disbarment appropriate where a member was convicted of misdemeanor obstruction of justice, a crime of moral turpitude, which he failed to report to the State Bar, and he had three prior records of discipline for incompetently performing legal services, thus demonstrating a pattern of carelessness towards his ethical obligations over the course of two decades].) Deviation from disbarment under Standard 1.8(b) is appropriate, but respondent's prior misconduct is relevant to determine where along a continuum the level of discipline should be fixed, and the requirement of progressive discipline under Standard 1.8(a) is still applicable.

Keeping in mind the need for progressive discipline, the level of discipline is to be determined under the Standard applicable to the misconduct at issue. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed." Under Standard 2.11, the presumed sanction for an act of moral turpitude is disbarment or actual suspension, with the degree of sanction depends on the magnitude of the misconduct and the extent to which the conduct harmed or misled the victim and related to the practice of law. Additionally, Standard 2.10(a), indicates that, "Disbarment or actual suspension is the presumed sanction when a member engages in the practice of law or holds himself or herself out as entitled to practice when they are on actual suspension for disciplinary reasons... The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law."

Respondent's act of engaging in the unauthorized practice of law by filing the appellate brief in the *Gorvo* matter was due to gross negligence, rather than an intentional act to deceive the court and opposing counsel. Respondent was aware that her suspension was forthcoming, but due to her preoccupation with her work, respondent was unaware that she had received the Supreme Court order. (See generally *In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. 330, 333-334 [failure to review records prior to affirming MCLE compliance constitutes gross negligence rising to moral turpitude].) So, while respondent's misconduct is related to her practice, the harm and magnitude of such is not so great as to require her disbarment under Standard 2.11. Similarly, since respondent's misconduct was an act of gross negligence, disbarment is not warranted under Standard 2.10(a).

Nevertheless, a significant period of actual suspension is required. The recommended level of discipline is a 3-year stayed suspension, with a 3-year term of probation to include an 18-month actual suspension. Additionally, because respondent's misconduct is partially attributable to her failure to keep track of her mail, law office management conditions are included in this stipulation.

Respondent previously received mitigating credit for emotional difficulties in case nos. 12-O-11461 and 14-H-03096 regarding the passing of her brother, husband, close friend, stepfather and law partner. These issues have been long standing and the treatment respondent has sought has been limited, so there is no evidence of her prognosis or recovery. Based on these facts, respondent is not entitled to receive mitigation for emotional difficulties under the Standards. (*In the Matter of Song* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 273, 280-281.) Because of the concerns this longstanding issue raises, probation conditions include the requirement that respondent obtain a mental health evaluation from a licensed professional and comply with any recommended treatment, as detailed below.

In the Matter of Broderick (Review Dept. 1994) 3 Cal. State Bar. Ct. Rptr. 138, is instructive on the issue of probation violations balanced with various aggravating and mitigating factors. While respondent's case also involves the unauthorized practice of law, *Broderick* is comparable since all of the misconduct at issue stems from respondent's failure to obey the order from her prior discipline. In *Broderick*, the attorney failed to comply with the conditions of his underlying probation in connection

with a two-year stayed suspension and two years of probation by not filing any of his quarterly reports and not making any of his quarterly restitution payments. Discipline consisted of three years stayed suspension and a four year term of probation, with one year of actual suspension. The misconduct was aggravated by respondent's single prior record of discipline (violations for failures to perform legal service, failures to communicate with clients and making a misrepresentation to a client), multiple violations of his probation conditions and uncharged misconduct for failing to obtain treatment from a duly licensed psychologist or psychiatrist per the terms of his probation. Broderick received partial mitigating credit for emotional difficulties for suffering from chronic depression, although he had not established his recovery from such in order receive full weight under the standard. The court additionally found the following factors to be substantially mitigating: the attorney's attempts to make small restitution payments, efforts to seek counseling through a religious counselor and limited sessions with a psychologist when the attorney could afford the fees, and his candor and cooperation with the State Bar after disciplinary charges were filed.

In this case, the severity of the misconduct is similar to *Broderick*. In both cases, a failure to comply with the basic conditions of probation is present. Respondent's engaging in the unauthorized practice of law is even more troubling, similar to the concerns raised by Broderick's failure to make restitution. Respondent's mitigation is similar to *Broderick*, but her aggravation is more severe since she has two prior records of discipline. Thus, an 18-month actual suspension is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of July 29, 2016, the prosecution costs in this matter are \$3,669. 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 MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT.

Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

MENTAL HEALTH TREATMENT CONDITIONS, CONTINUED FROM SECTION F(5), ABOVE.

As additional conditions of probation, respondent must obtain a mental health evaluation from a licensed psychiatrist, psychologist, licensed clinical social worker or licensed marriage and family therapist ("treatment provider") within 60 days of the effective date of disciplinary order herein. The Evaluation will be for the purposes of (a) determining whether respondent has a current psychological diagnosis, (b) setting treatment conditions respondent is to undertake as a result of the evaluation, if any, and (c) obtaining a written report from the treatment provider. Respondent shall bear all costs of the Evaluation, the resulting report, and any treatment conditions recommended by the treatment provider. Respondent understands that her treatment conditions may change if the treatment provider deems it necessary, and that she is to bear the cost of such treatment, which in some cases could include in-patient treatment. Respondent understands that (a) the treatment conditions, if any, shall become part of her probation requirements, (b) she must provide the Office of Probation with any proof of treatment compliance or waiver requested by the Office of Probation, and (c) any violation of the treatment conditions is a violation of the probation requirements. The treatment provider will determine the course of treatment, if any. Respondent must comply with the treatment recommended by the treatment provider and must

affirm that respondent is so complying with each quarterly report. Treatment must continue as required by the treatment provider for the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

Respondent shall provide a complete copy of this stipulation to the treatment provider prior to her initial evaluation. Within 60 days of the effective date of the discipline in this matter, respondent shall provide to the Office of Probation an original, signed declaration from the treatment provider acknowledging receipt of a complete copy of this stipulation.

Within 60 days of the effective date of the discipline in this matter, respondent shall execute all necessary waivers of confidentiality with the treatment provider, and shall keep said waivers current throughout her period of probation.

Within 60 days of the effective date of the discipline in this matter, respondent shall provide to the Office of Probation a copy of the waiver provided to the treatment provider. Also within 60 days of the effective date of the discipline in this matter, respondent shall provide to the Office of Probation an original, signed declaration from the treatment provider, acknowledging receipt of the waiver.

Within 90 days of the effective date of the discipline in this matter, respondent is to provide a copy of the treatment provider's written report to the Office of Probation. If the treatment provider requires additional information in order to propose treatment conditions, including, but not limited to, interviewing third parties, respondent will make good faith efforts to timely provide the additional information.

Within 10 days of any change in any treatment conditions, respondent is to provide written notice to the Office of Probation specifically setting forth the changes. With that written notice, respondent is to provide an original, signed declaration from the treatment provider acknowledging receipt of the written notice and agreement with its accuracy.

Respondent shall have the treatment provider submit to the Office of Probation an original, signed declaration that respondent is in compliance with the treatment conditions by each January 10 (for the reporting period of October 1 through December 31), April 10 (for the reporting period of January 1 through March 31), July 10 (for the reporting period of April 1 through June 30), and October 10 (for the reporting period of July 1 through September 30) covered by this discipline, and by the deadline for the submission of respondent's final quarterly report. Respondent understands that the declarations and reports may be shared with the Office of the Chief Trial Counsel and the State Bar Court.


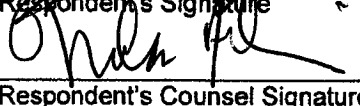
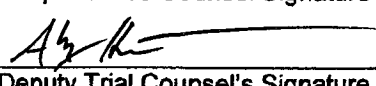
If treatment providers are added or changed, respondent must notify the Office of Probation of the name, address, and telephone number of all such treatment providers within 10 days of the retaining of each one. Within 30 days of retaining each such treatment provider, Respondent must provide to the Office of Probation an original signed declaration from the treatment provider stating that it received a complete copy of this stipulation. Also within 30 days of retaining each such treatment provider, respondent must provide to the Office of Probation an executed waiver of confidentiality as well as an original, signed declaration from the treatment provider acknowledging receipt of the waiver.

(Do not write above this line.)

In the Matter of: LOUISE A. LEWIS	Case number(s): 15-O-15209-YDR and 15-O-15625
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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>8/15/2016</u> Date	 Respondent's Signature	<u>Louise A. Lewis</u> Print Name
<u>8/3/2016</u> Date	 Respondent's Counsel Signature	<u>Nolan F. King</u> Print Name
<u>8/17/2016</u> Date	 Deputy Trial Counsel's Signature	<u>Alex Hackert</u> Print Name

(Do not write above this line.)

In the Matter of: LOUISE A. LEWIS	Case Number(s): 15-O-15209-YDR and 15-O-15625
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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 6 of the Stipulation, the "X" in the box at paragraph F.(1) is deleted, and an "X" is inserted in the box next to "No MPRE recommended." Also, the following is inserted after "Reason:" "Respondent was previously ordered to provide proof of passage of the MPRE to the Office of Probation in Supreme Court matter S225246 (State Bar Court No. 14-H-03096) and remains under an obligation to do so. As such, it is not necessary to recommend that Respondent be again ordered to comply with this requirement." In addition, paragraph F.(5)(b) is deleted in its entirety.
 2. On page 10 of the Stipulation, Aggravating Circumstances, Prior Record of Discipline, paragraph one, line 3, "rule 3-310(A)" is deleted, and in its place is inserted "rule 3-110(A)".
 3. On page 15 of the Stipulation, last paragraph, line 6, "a copy of" is inserted between "Probation" and "an".

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.)**

August 25, 2016
Date


REBECCA MEYER ROSENBERG JUDGE PRO TEM
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 Los Angeles, on August 30, 2016, 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:

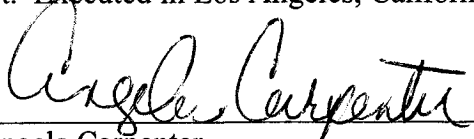
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

NOLAN FRANKLIN KING
1365 W FOOTHILL BLVD #2
UPLAND, CA 91786

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

Alex J. Hackert, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 30, 2016.



Angela Carpenter
Case Administrator
State Bar Court