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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel for the State Bar Christina Mitchell Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1077 Bar # 245120	Case Number(s): 18-O-10983	For Court use only <div style="font-size: 2em; font-weight: bold;">FILED</div> <div style="font-size: 1.5em; font-weight: bold;">JAN 18 2019</div> <div style="font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>	
In Pro Per Respondent Sharon A. Healey 810 NE 96th Street Suite 75014 Seattle, WA 98115 Bar # 138002	<div style="display: flex; justify-content: space-between; align-items: center;"> kwiktag® 241 071 811 </div> 		
In the Matter of: SHARON ARLENE HEALEY Bar # 138002 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <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 7, 1988**.
- (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."
- (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. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
 - Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. **SELECT ONE** of the costs must be paid with Respondent's membership fees for each of the following years:

If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be 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: **State Bar Court case number 13-O-15151, see page 13 and Exhibit 1, 14 pages**
 - (b) Date prior discipline effective: **May 29, 2015**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Former rule 3-110(A), Rules of Professional Conduct; former rule, rule 3-700(A)(2), Rules of Professional Conduct; former rule 3-700(D)(1), Rules of Professional Conduct; former rule 3-700(D)(2), Rules of Professional Conduct; Business and Professions Code section 6068(m).**
 - (d) Degree of prior discipline: **One year suspension, stayed, with one year of probation**
 - (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.

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- (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.
- (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 Respondent's misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 13.**
- (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 [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 Respondent's 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 Respondent's 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 Respondent.

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- (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 product of any illegal conduct by Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's 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:

Prefiling Stipulation, see page 13.

D. Recommended Discipline:

- (1) **Actual Suspension:**

Respondent is suspended from the practice of law for **one year**, the execution of that suspension is stayed, and Respondent is placed on probation for **one year** with the following conditions.

- Respondent must be suspended from the practice of law for the first **30 days** of the period of Respondent's probation.

- (2) **Actual Suspension "And Until" Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

- (3) **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

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- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(4) **Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(5) **Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the

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Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(6) **Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7) **Actual Suspension with Credit for Interim Suspension:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent is suspended from the practice of law for the first _____ of probation (with credit given for the period of interim suspension which commenced on _____).

E. Additional Conditions of Probation:

- (1) **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's

compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

- (2) **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3) **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4) **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5) **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6) **Quarterly and Final Reports:**
- a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
- b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

d. Proof of Compliance. Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7) **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8) **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because **respondent resides outside the State of California.**
- (9) **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10) **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within **one year** after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete **six** hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11) **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.
- (12) **Minimum Continuing Legal Education (MCLE):** Within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete _____ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in **SELECT ONE** _____ and must

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provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

- (13) **Other:** Respondent must also comply with the following additional conditions of probation:
- (14) **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15) **The following conditions are attached hereto and incorporated:**
- Financial Conditions Medical Conditions
- Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

F. Other Requirements Negotiated by the Parties (Not Probation Conditions):

- (1) **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2) **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because **respondent was ordered to take and pass the Multistate Professional Responsibility Examination as part of a previous disciplinary proceeding, State Bar Court case number 13-O-15151. Respondent provided proof of passage of the Multistate Professional Responsibility Examination on April 18, 2016. (See In the Matter of Trousil (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244; In the Matter of Seltzer (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 263, 272, fn. 7).**
- (3) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (4) **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (5) **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because
- (6) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: SHARON ARLENE HEALEY

CASE NUMBER: 18-O-10983

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 the Rules of Professional Conduct.

Case No. 18-O-10983 (Mario Roche)

1. On August 10, 2015, Mario Roche ("Roche") consulted with respondent about respondent performing immigration legal services on his behalf, namely to submit an application for a provisional unlawful presence waiver (i.e., a I-601A waiver) with United States Citizenship and Immigration Services section of the Department of Homeland Security. On that date, respondent gave Mr. Roche an estimate of costs in the amount of \$1,020 and requested fees in the amount of \$2,000. In the retainer agreement provided to Mr. Roche, respondent requested half of the attorneys' fees upfront with the other half to be paid at the time the waiver was filed. The retainer agreement specifically provided that the filing fees were not to be given to respondent but instead remitted by Mr. Roche at the time the waiver was filed.

2. On September 11, 2015, Mr. Roche hired respondent to perform the immigration legal services on his behalf. On the same day, on his own volition, Mr. Roche deposited all of the advance fees and costs (\$3,020) into respondent's business checking account, including \$2,000 earmarked for advance fees and \$1,020 earmarked for advance costs.

3. At the time respondent accepted representation of Mr. Roche, including between May 29, 2015 and May 28, 2016, respondent was required to comply with the probation conditions attached to her prior discipline in State Bar Court case number 13-O-15151, which included compliance with the State Bar Act and the Rules of Professional Conduct.

4. Thereafter, respondent did not transfer any portion of the \$1,020 advance costs into a client trust account, but at no time did respondent misappropriate or otherwise fail to appropriately maintain the funds earmarked for costs in her business checking account.

5. On June 6, 2016, as a pre-requisite to submitting Mr. Roche's application for a I-601A waiver, respondent remitted a total of \$445 in costs on Mr. Roche's behalf to the United States Department of State.

6. From September 11, 2015 through October 10, 2017, respondent performed substantial and valuable legal services with respect to Mr. Roche's application, including drafting multiple versions of the proposed declaration to be submitted with the application and attempting to obtain information needed for the I-601A waiver application from Mr. Roche.

7. Starting in October 2017 through February 2018, respondent had multiple family issues that caused her to be unavailable and out of the office, including an extended recovery from a major surgery, grieving her step-mother's passing and assisting her father in preparing an out-of-state memorial service for her step-mother, assisting with her father's relocation, and attending to her son during his recovery from surgery. Prior to her surgery, respondent informed Mr. Roche regarding her anticipated unavailability for her recovery.

8. On October 26, 2017, due to a breakdown in the attorney-client relationship, Mr. Roche terminated respondent's services. On the same day, Mr. Roche's new counsel sent an email to respondent notifying her that the new counsel had been retained to complete the filing of the I-601A waiver application and requesting Mr. Roche's file from respondent. Respondent received the email but did not timely respond or provide the attorney with Mr. Roche's the client file.

9. Thereafter, between November 2, 2017 and December 5, 2017, Mr. Roche's counsel sent two written requests and left three voice message requests for Mr. Roche's file to respondent. The December 5, 2017 request specifically also requested respondent refund all unearned fees and unused costs. At all relevant times, Mr. Roche's new counsel was aware of respondent's unavailability due to her recovery from her surgery. Respondent received the requests when she returned to the office on December 11, 2017.

10. On December 11, 2017, respondent sent an email to Mr. Roche's counsel, reiterating that she had undergone surgery at the time the original request was made and stated she would arrange for the file to be sent out the following day. Respondent did not send out the file the following day.

11. On January 22, 2018, Mr. Roche submitted a State Bar complaint against respondent.

12. On March 15, 2018, respondent mailed Mr. Roche's file to his new counsel and refunded the unearned fees and unused costs.

CONCLUSIONS OF LAW:

13. By failing to deposit \$1,020 in funds received for the benefit of her client into a bank account labeled "Trust Account," "Client's Fund Account" or words of similar import, respondent was in willful violation of former rule 4-100(A) of the Rules of Professional Conduct.

14. By failing to promptly release, after termination of respondent's employment on October 26, 2017, to respondent's client all of the client's papers and property, respondent was in willful violation of former rule 3-700(D)(1) of the Rules of Professional Conduct.

15. By failing to comply with former rules 3-700(D)(1) and 4-100(A) of the Rules of Professional Conduct, respondent failed to comply with all conditions attached to respondent's disciplinary probation in State Bar Court case number 13-O-15151, and thereby respondent willfully violated Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Prior Discipline (Std. 1.5(a)): Respondent has one record of prior discipline. Respondent stipulated to a one-year stayed suspension in State Bar Court case number 13-O-15151, which became effective on May 29, 2015, for failure to perform legal services competently, failure to communicate, improper withdrawal from employment, failing to return a file and refund unearned advanced fees.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent engaged in multiple acts of wrongdoing by failing to deposit the advance costs in a client trust account and promptly return the client file to her client over five months despite multiple requests for the file.

MITIGATING CIRCUMSTANCES

Prefiling Stipulation: While some of the instant misconduct is easily provable, by entering into this stipulation, respondent has acknowledged her misconduct and is entitled to mitigation for 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].)

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; hereinafter “Standards.”) 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*, Standard 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. (Standard 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Standard 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. (Standards 1.7(b)-(c).) 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.”

Multiple Standards apply to respondent's misconduct. Standard 2.2(b), which applies to respondent's failure to deposit client funds into her client trust account, provides "suspension or reproof is the presumed sanction for any other violation of Rule 4-100." Standard 2.19, which applies to respondent's failure to promptly return a client file, provides "suspension not to exceed three years or reproof is the presumed sanction for a violation of a provision of the Rules of Professional Conduct." Standard 2.14 applies to respondent's probation violation. Standard 2.14 provides "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."

While Standard 2.14 provides for the most severe sanction for respondent's misconduct (actual suspension), the gravamen of respondent's misconduct concerns her failure to promptly return the client file and deposit advance costs in a client trust account, which as explained below nonetheless warrants an actual suspension under Standards 2.2(b) and 2.19. Here, respondent's misconduct involved a delay of approximately five months in returning the client file to Mr. Roche. Additionally, while respondent failed to deposit the advance costs in a client trust account, Mr. Roche unilaterally deposited the advance costs into respondent's business checking account, contrary to the provisions of the retainer agreement. Moreover, there is no evidence that Mr. Roche suffered any harm as a result of respondent's misconduct. Taking into consideration the present aggravating and mitigating circumstances, respondent stipulated to her misconduct and discipline prior to the filing of disciplinary charges and therefore she should be afforded some mitigating credit for her pre-filing stipulation. In aggravation, respondent has one record of prior discipline. Standard 1.8(a) provides that "if a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." The misconduct underlying respondent's prior discipline also similarly involved a failure to promptly return a client file, and occurred in 2012, only three years prior to the misconduct in this matter. Therefore, the prior discipline is both serious and not remote in time, warranting a level of discipline greater than she received in the prior matter. Accordingly, discipline consisting of a 30-day actual suspension, with one-year suspension stayed, and a one-year probation, is appropriate to protect the public, the courts and the legal profession, maintain high professional standards, and preserve public confidence in the legal profession.

Case law supports this level of discipline. In *In the Matter of Kopinski* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 716, 726, Kopinski was found culpable of failing to communicate reasonably with two of his clients and failing to relinquish their files promptly. The Review Department recommended discipline consisting of a six-month stayed suspension and a two-year probation. (*Id* at 727.) In aggravation, the Review Department found there was harm to Kopinski's clients from added delay, expense and limited options due to his misconduct. In mitigation, limited weight was given to the fact that the clients' moved periodically, making it difficult for Kopinski to provide legal services. The applicable standard in *Kopinski* called for a reproof or suspension. Here, respondent's misconduct is similar to that in *Kopinski*, with respondent failing to promptly return a file. However, respondent's misconduct also involved a failure to deposit the advance costs in a client trust account, unlike in *Kopinski*. While there is no evidence her client was harmed by the delay in returning the file, respondent's behavior is close in time to her prior discipline and the previous misconduct was both serious and similar in nature to the current misconduct. Since respondent's prior discipline involved a one-year stayed suspension with a one-year probation, a 30-day actual suspension, with one-year suspension, stayed, and a one-year probation, which is within each of the Standards applying to respondent's misconduct, is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.


Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of December 20, 2018, the discipline costs in this matter are \$3,300. 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.

(Do not write above this line.)

In the Matter of: SHARON ARLENE HEALEY	Case Number(s): 18-O-10983
---	-------------------------------

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.

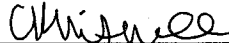
<u>12/20/18</u> Date	 Respondent's Signature	<u>SHARON ARLENE HEALEY</u> Print Name
_____ Date	_____ Respondent's Counsel Signature	_____ Print Name
_____ Date	_____ Deputy Trial Counsel's Signature	<u>CHRISTINA MITCHELL</u> Print Name

(Do not write above this line.)

In the Matter of: SHARON ARLENE HEALEY	Case Number(s): 18-O-10983
---	-------------------------------

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.

_____	_____	SHARON ARLENE HEALEY
Date	Respondent's Signature	Print Name
_____	_____	_____
Date	Respondent's Counsel Signature	Print Name
12/26/18		CHRISTINA MITCHELL
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: SHARON ARLENE HEALEY	Case Number(s): 18-O-10983
---	-------------------------------

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.

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order.** (See Cal. Rules of Court, rule 9.18(a).)

January 18, 2019
Date

Cynthia Valenzuela
Judge of the State Bar Court

SUPREME COURT
FILED

APR 29 2015

(State Bar Court No. 13-O-15151)

Frank A. McGuire Clerk

S224660

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re SHARON ARLENE HEALEY on Discipline

The court orders that Sharon Arlene Healey, State Bar Number 138002, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

1. Sharon Arlene Healey must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 23, 2014; and
2. At the expiration of the period of probation, if Sharon Arlene Healey has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Sharon Arlene Healey must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2016 and 2017. If Sharon Arlene Healey 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.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

____ day of APR 29 2015 20____

Clerk

By: _____

Deputy

CANTIL-SAKAUYE

Chief Justice

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
Counsel For The State Bar Jamie Kim Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90015 (213) 765-1182 Bar # 281574	Case Number(s): 13-O-15151 - LMA	For Court use only <div style="text-align: center; font-size: 1.2em; font-weight: bold;"> PUBLIC MATTER FILED ✓ DEC 23 2014 </div> <div style="text-align: center; font-size: 0.8em; font-weight: bold; margin-top: 10px;"> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
In Pro Per Respondent Sharon Arlene Healey Law Offices of Sharon A. Healey 9594 1st Ave. NE, Ste. 225 Seattle, WA 98115 (206) 403-1742 Bar # 138002	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: SHARON ARLENE HEALEY Bar # 138002 A Member of the State Bar of California (Respondent)		

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 7, 1988**.
- (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."

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles 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(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.

(Do not write above this line.)

- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Stipulation, page 8.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances

Harm - see Stipulation, page 8.

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.
- (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 subsequent rehabilitation.

(Do not write above this line.)

(13) No mitigating circumstances are involved.

Additional mitigating circumstances

No Prior Discipline and Pre-Trial Stipulation - see Stipulation, page 9.

(Do not write above this line.)

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one year**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(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 **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.)

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.

(Do not write above this line.)

- (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: **Because respondent resides outside the State of California, an alternative to Ethics School is set forth below in section F(2).**
- (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:**

As a further condition of probation, because respondent lives out of state, respondent must either 1) attend a session of State Bar Ethics School, pass the test given at the end of that session, and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of the discipline herein; or 2) complete six (6) hours of live, in-person Minimum Continuing Legal Education ("MCLE") approved courses in legal ethics offered through a certified MCLE provider in Washington or California and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of the discipline. If respondent elects to complete six hours of MCLE approved courses in lieu of State Bar Ethics School, the MCLE hours required are in addition to any MCLE hours required by rule or statute in Washington and/or California.

Pursuant to rule 3201, respondent may not receive MCLE credit for completion of Ethics School or MCLE hours ordered as a condition of discipline. (Rules Proc. of State Bar, rule 3201.)

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: SHARON ARLENE HEALEY
CASE NUMBER: 13-O-15151

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. 13-O-15151 (Complainants: Robert Simbolon and David Simbolon)

FACTS:

1. On October 18, 2012, respondent was hired by Robert Simbolon and his son, David Simbolon, ("the clients") to file an I-130 petition in Robert Simbolon's immigration case. The clients paid respondent \$1,500 as advanced fees.
2. In December 2012, respondent prepared the I-130 petition, but she failed to file it with the United States Citizenship and Immigration Services ("USCIS").
3. In February and March 2013, David Simbolon e-mailed respondent five times inquiring as to the status of his father's I-130 petition. Respondent received the e-mails. However, despite twice stating in February 2013 that she would check on the status of the matter, respondent did not give the clients a status update. Respondent did not respond to the last three e-mails that David Simbolon sent on February 27, 2013, February 28, 2013 and March 2, 2013.
4. In February 2013, David Simbolon learned from USCIS that the I-130 petition had not been filed. On February 27, 2013, he advised respondent of this and asked for an explanation. Respondent stated that she would go in to her office to check the file. However, respondent did not follow up with the clients to give a status update, even after receiving a second e-mail from David Simbolon on February 27, 2013. Respondent thereafter took no further action on behalf of Robert Simbolon.
5. In March 2013, Robert Simbolon hired new counsel who filed the I-130 petition in April 2013.
6. On May 8, 2013, Robert Simbolon's new counsel e-mailed respondent, notifying her that he was now representing the clients and asking for the release of the client file on behalf of the clients. Respondent did not respond. The clients thereafter hired another attorney to handle the immigration case. In August 2013, she sent two faxes and an e-mail to respondent's office on behalf of the clients requesting the release of Robert Simbolon's file, but respondent did not respond or release the file.
7. In August 2013, Robert Simbolon was deported. His I-130 petition was granted in October 2013.

8. On March 12, 2014, after being contacted by the State Bar in connection with the investigation of the complaint submitted by the clients, respondent sent the clients a check refunding the \$1,500 advanced fee.

CONCLUSIONS OF LAW:

9. By not filing an I-130 petition for Robert Simbolon, respondent failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

10. By not giving a status update in response to at least five status inquiries and not responding to David Simbolon's last three communications on February 27, 2013, February 28, 2013 and March 2, 2013, respondent did not respond promptly to reasonable status inquires of a client in a matter in which she had agreed to provide legal services, in wilful violation of Business and Professions Code section 6068(m).

11. By not filing an I-130 petition or taking any other action on behalf of Robert Simbolon, even after being notified by David Simbolon on February 27, 2013 that no petition had been filed, respondent constructively terminated her employment, and upon termination of employment, failed to take reasonable steps to avoid reasonably foreseeable prejudice to her client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

12. By not releasing, after termination of respondent's employment in May 2013, all of the client's papers and property following requests for the file on May 8, 2013, August 8, 2013 and August 13, 2013, respondent failed to promptly release the file, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

13. By not refunding the \$1,500 paid as advanced fees to the clients until March 12, 2014, after termination of respondent's employment in May 2013, respondent failed to refund promptly any part of a fee paid in advance that had not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent engaged in multiple acts of misconduct by failing to communicate with the clients on several occasions, failing to perform legal services competently, failing to promptly refund unearned fees and failing to release the original client file. (*Grim v. State Bar* (1991) 53 Cal.3d 21, 34.)

Additional aggravating circumstances:

Harm: As a result of respondent's misconduct, the client hired new counsel to file an I-130 petition. (*Rodgers v. State Bar* (1989) 48 Cal.3d 300, 317 [the attorney's client was compelled to hire a new attorney as a result of the attorney's failure to handle the client's matter competently, which was found to be an aggravating circumstance].) The client also did not have the benefit of an approved I-130 petition before his removal.

MITIGATING CIRCUMSTANCES.

Additional mitigating circumstances:

No Prior Discipline: Although respondent's misconduct is serious, she was admitted to the State Bar on December 7, 1988 and has been a member for 26 years without a record of discipline. At the time of the misconduct, respondent had been practicing law for over 24 years and is, therefore, entitled to significant mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr 41 [attorney's practice of law for more than 17 years considered to be mitigating even when misconduct at issue is serious].)

Pre-trial Stipulation: Respondent admitted to the misconduct and entered into this stipulation fully resolving this matter without the necessity of a trial. Respondent's cooperation will save State Bar resources. Respondent's cooperation is a mitigating factor in this resolution. (*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).)

Standard 1.7(a) further provides that, "If a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed." Here, respondent has committed five separate acts of misconduct. Standard 2.5(c) provides for a reproof when an attorney fails to perform legal services or properly communicate in a single client matter. The most severe sanction applicable is found in Standard 2.15, which applies to respondent's violations of 3-700(A)(2), 3-700(D)(1) and 3-700(D)(2) and provides that suspension not exceeding three years or reproof is appropriate for violations of the rules in general.

Respondent's misconduct is aggravated by the multiple acts of misconduct, which led to the client's decision to hire a new attorney to render legal services. However, respondent is entitled to significant mitigation for her 24 years in practice with no prior discipline at the time of the misconduct. This, coupled with the fact that respondent has cooperated in entering into this stipulation, thereby demonstrating her acknowledgment of her misconduct, suggests that the current misconduct was aberrational and that respondent is willing to conform to ethical responsibilities in the future. Accordingly, in light of the mitigation present, discipline at the lower end of the range of discipline provided by Standard 2.15 is appropriate. A one-year stayed suspension and a one-year probation with conditions is an appropriate level of discipline to ensure the protection of the public, courts and legal profession; to maintain high professional standards by attorneys; and to preserve public confidence in the legal profession.

The stipulated level of discipline is consistent with Supreme Court case law. In *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, an attorney in a single client matter received a six-month stayed suspension for failing to perform, communicate and properly withdraw. The attorney had failed to appear before the Review Department, which was deemed aggravating, but the Court found there were no serious consequences to the client as a result of the misconduct, and the attorney had practiced law for five and one-half years before committing misconduct.

Like the attorney in *Van Sloten*, respondent failed to render legal services competently and communicate with a client. However, respondent also failed to promptly return the client file and refund unearned fees. Although respondent has many more years in practice without a record of discipline than the attorney in *Van Sloten*, in light of the multiple acts of misconduct, a higher level of discipline is appropriate in this case.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
13-O-15151	Six	Business and Professions Code section 6106
13-O-15151	Seven	Rules of Professional Conduct rule 4-100(B)(3)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 1, 2014, the prosecution costs in this matter are \$3,497.00. 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 MCLE ordered as a condition of discipline. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: SHARON ARLENE HEALEY	Case number(s): 13-O-15151
---	-------------------------------

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 Fact, Conclusions of Law and Disposition.

12/3/14
Date

Sharon A. Healey
Respondent's Signature

Sharon A. Healey
Print Name

Date

Respondent's Counsel Signature

Print Name

12/5/14
Date

Jamie Kim
Deputy Trial Counsel's Signature

Jamie Kim
Print Name

(Do not write above this line.)

In the Matter of: SHARON ARLENE HEALEY	Case Number(s): 13-O-15151
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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.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

12-21-14


GEORGE E. SCOTT, 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 San Francisco, on December 23, 2014, 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:

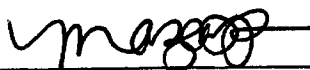
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

SHARON A. HEALEY
LAW OFFICE OF SHARON A HEALEY
9594 1ST AVE NE STE 255
SEATTLE, WA 98115

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

JAMIE J. KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 23, 2014.



Mazie Yip
Case Administrator
State Bar Court

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Sharon A. Healey, Esq.
Law Office of Sharon A. Healey
9594 1st Ave., Suite 206
Seattle, WA 98115
(206) 403-1742

FILED

vs
OCT 20 2014

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

Filed per judge's order

State Bar of California Hearing Dept.) Case No. 13-O-15151 LMA
)
Matter of:)
)
Sharon A. Healey)
)
No. 138002)
)
Member of the State Bar of California)

RESPONSE TO NOTICE OF DISCIPLINARY CHARGES

1
2 COUNT ONE (failure to perform with competence)

3 I admit that I failed to perform with competence when I failed to file David
4 Simbolan's I-130 alien relative petition on behalf of his father Robert Simbolon. I
5 deny that this failure was intentional or reckless.

6 I was retained to file the I-130 on or about October 18, 2012, but could not
7 file the application at that time because I had not received the necessary
8 information from the Simbolons. On October 23 2012 David Simbolon sent me
9 his draft G-325 by e-mail. On November 22, 2012 David provided me with the
10 draft G-325A for his father, Robert Simbolon. I-130 G-325A form for his father,
11 Robert Simbolon. I agreed to meet them the next day, November 23rd at David's
12 house in Everett to obtain signatures on the application forms, obtain the filing fee
13 and several exhibits so I could complete the application packet. Sometime in late
14 2012 David Simbolon had naturalized and on December 6, 2012 I requested a copy
15 of his naturalization certificate. I believe this was the last document I needed in
16 order to prepare the I-130 packet, and that I did prepare it shortly thereafter.

17 I had been representing Robert Simbolon for several years in connection
18 with his Ninth Circuit case. I began representing him in 2009 in connection with a
19 Ninth Circuit Appeal of the BIA's denial of his Motion to Reopen. That motion
20 had been filed by another attorney. I filed the Ninth Circuit Appeal in June 2009. I
21 filed the opening brief in that case in June 2010. During the time that the Ninth
22 Circuit case was pending Robert Simbolon was under an order of supervision
23 requiring periodic check ins with Immigration and Customs Enforcement and I was
24 in regular contact with his son David and daughter Esther regarding the status of
25 his case.

1 In March 2011 I began assisting David Simbolon with his petition to remove
2 the conditions of legal permanent residency based on his marriage to a US citizen.
3 In December 2011 I began assisting Esther Simbolon with the first of several
4 immigration issues. In September 2012 the Ninth Circuit denied Robert
5 Simbolon's case and I prepared an ICE application for a Stay of Removal to
6 prevent his deportation. In September 2012 I was also representing Esther
7 Simbolon with an immigration matter.

8 As a result of the Ninth Circuit cases, Mr. Simbolon's file was quite large
9 and after preparing the I-130 application I decided to make a new file for him that
10 would contain the ICE stay, which was pending, and the I-130 documents. Since
11 the 9th circuit case was over those files were boxed for storage.

12 On February 6th David Simbolon sent me an e-mail on the status of the I-
13 130. He sent a second e-mail on February 13, 2014 and I replied that I was out of
14 town and would check the status of the case when I returned. On February 21, and
15 on February 28th David e-mailed me about the status of his father's case. On
16 February 28th I replied that I was going to go into the office and check the status of
17 the file. There were no e-mails from me following up on this and there were no
18 further e-mails from David. I have a recollection of seeing a copy of the
19 application stamped "file-copy" in the file and I may have communicated with him
20 by phone, but in any event, I failed to adequately follow up on the status of the
21 application or ask whether his check, which had been submitted as the filing fee,
22 had cleared.

23 At the time that this was occurring I was under an enormous amount of
24 stress. In September my husband quit his job and moved to Mexico giving me less
25 than two days' notice. I was suddenly left raising two children on my own. I did

1 not receive child support or any financial assistance from him. I was very
2 suddenly left to pay the mortgage and all household bills and raise two children on
3 my own. We lost our health coverage, which we had through his employer, on the
4 eve of my daughter's oral surgery and I was forced to spend my savings on that
5 surgery and a subsequent one. I took on additional cases to try to make ends meet
6 and often worked twelve hours a day, Sometimes I didn't come home but worked
7 overnight. My children were neglected and began acting out. My daughter began
8 skipping and failing classes. My son often refused to go to school. In February
9 2012, when David Simbolon sent his e-mails asking for an update on his father's
10 case, things were at their worst. On February 8th my twelve year old son was
11 suspended from school and required to undergo an assessment and treatment at my
12 expense before being permitted to return. On the same day I received a foreclosure
13 notice as I had not been able to keep up on my house payments. When I replied to
14 David's February 14 e-mail stating that I was out of the office for a family
15 emergency, I was out trying to deal with the issues necessary to get my son
16 treatment and back into school.

17 I should have followed up on David's e-mails and I did not. I was
18 overwhelmed and distracted. At that time the processing time for an I-130 was
19 close to a year, and in my mind I had sent it out in December so it didn't register
20 with me that there was a problem. I never heard back from David after his
21 February 28th e-mail. When I received Mr. Simbolon's complaint in March, I
22 pulled his file and found the original application packet in the file that had been
23 placed in storage.

24 My error was inadvertent, not intentional. I had represented the Simbolons
25 for many years. I had prepared the I-130 application, and obtained signatures as

1 well as the Simbolon's check for the filing fee, which had been made payable to
2 the Department of Homeland Security. There was certainly no advantage to me in
3 failing to file an application that I had taken the time to prepare for clients I had
4 represented for years.

5 COUNT TWO (failure to respond to client inquiries)

6 As explained above, I failed to adequately respond to David Simbolon's
7 inquiries. The count as written states that I failed to respond promptly to at least
8 five e-mail status inquiries by Robert and David Simbolon in February in March
9 2013. As explained in my original response to the complaint, I never received any
10 communication, written or otherwise, from Robert Simbolon. I received inquiries
11 by e-mail on February 13, February 21, February 27 and February 28 from David
12 Simbolon. I responded to two, but certainly not adequately. I received no e-mails
13 in March. The last e-mail I received from David Simbolon was on February 28,
14 2013.

15 COUNT THREE (Improper withdrawal from employment).

16 As explained above, it was never my intention to withdraw from
17 employment. I believed that the application had been filed in December 2012 and
18 would be approved in the normal processing time, which was then about a year.

19 COUNT FOUR (failure to release file).

20 The count alleges a failure to release the file after a request made by Robert
21 and David Simbolon on or about August 13th. I never received any correspondence
22 from David Simbolon for any reason after February 28, 2014. On May 8, 2013, an
23 attorney, Zachery D. Aho, sent me an e-mail requesting the Simbolon's file.
24 Although the e-mail referenced an earlier request, I do not delete my e-mails and I
25 did not receive any prior e-mail from him. I did not receive any e-mails requesting

1 the Simbolon's file from anyone on August 13, 2012. On August 8, 2012 when
2 Mr. Aho sent his e-mail I was in the intensive care unit in Harborview Hospital. I
3 had two heart attacks on the sixth and seventh of May. I underwent a surgical
4 procedure and was out of the office for several weeks, returned to work, suffered a
5 health set back, and as a result only worked part time for several months. I did not
6 become aware of Mr. Aho's e-mail until reviewing my e-mail records when
7 responding to Mr. Simbolon's complaint and did not read it until that time, in
8 approximately March 2014. I did not willfully fail to release the Simbolon's file. I
9 wasn't ever aware that a request for the file had been made.

10 COUNT FIVE (Failure to refund fees)

11 As stated more particularly in response to count three, it was never my
12 intention to terminate employment. I prepared the I-130 packet but neglected to
13 properly file it. When I became aware of my error I refunded all of my fees. In the
14 event a subsequent attorney had charged more than the \$1,500 I had charged for
15 preparing the I-130 package, I offered to pay the Simbolons the difference.

16 COUNT SIX (Misrepresentation to Client).

17 I deny this count as stated. To the very best of my recollection all of my
18 communications with David Simbolon were through e-mail. There were no e-
19 mails exchanged between us in January 2012. I do not recall any telephone
20 conversations with him regarding this matter. My responses to his queries in
21 February 2012 are that I would look into the matter. Certainly I was negligent in
22 failing to do so, but I deny that I made any deliberately false statements to David
23 Simbolon. I sent an e-mail to Esther Simbolon about her case on December 6,
24 2012. On February 6, 2013 David Simbolon sent me an e-mail stating the
25 following:

1 Hi Sharon, did you file the I-130 for my dad Robert Simbolon yet?
2 I have not received the receipt of acceptance. If you have the
3 receipt, could you please send it to my email? So we can have a
4 copy. Thanks.

5 There were no e-mails between myself and *any* of the Simbolons in January
6 2013. If I had told David that I had filed the application in January it doesn't make
7 sense that he would e-mail me at the beginning of February asking if the
8 application had been filed. To the best of my recollection, and according to e-mail
9 documentation I had no communication with any of the Simbolons on any matter
10 during the month of January 2013.

COUNT SEVEN (Failure to Render Accounts of Client's Funds).

11 I deny this count as stated. I did not receive any request for an accounting
12 from the Simbolons on February 19, 2014. I had no e-mail communications from
13 them on this date or any date after February 28, 2013. All communications
14 between myself and the Simbolons were through e-mail. I was out of the office
15 from February 18, 2014 to February 26, 2014 due to the illness and hospitalization
16 of my son so it's not possible that someone could have communicated with me on
17 their behalf about an accounting or any other matter on the date specified in the
18 notice of charges. In order to more accurately respond to this charge I would need
19 more information as to how the request was made and who made it. I do admit
20 that I received the sum of \$1,500 for the preparation and filing of an I-130 packet,
21 and that I prepared, but never filed the I-130 packet and as a result, I refunded all
22 fees.

23 Respectfully submitted,

24
25 Sharon A. Healeymjkn ,

1 Hi Sharon, did you file the I-130 for my dad Robert Simbolon yet?
2 I have not received the receipt of acceptance. If you have the
3 receipt, could you please send it to my email? So we can have a
4 copy. Thanks.

5 There were no e-mails between myself and *any* of the Simbolons in January
6 2013. If I had told David that I had filed the application in January it doesn't make
7 sense that he would e-mail me at the beginning of February asking if the
8 application had been filed. To the best of my recollection, and according to e-mail
9 documentation I had no communication with any of the Simbolons on any matter
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17 their behalf about an accounting or any other matter on the date specified in the
18 notice of charges. In order to more accurately respond to this charge I would need
19 more information as to how the request was made and who made it. I do admit
20 that I received the sum of \$1,500 for the preparation and filing of an I-130 packet,
21 and that I prepared, but never filed the I-130 packet and as a result, I refunded all
22 fees.

23 Respectfully submitted,

24 
25 Sharon A. Healey

PROOF OF SERVICE

On 10/15/2014, I, SHARON A. HEALEY,
(date) (printed name of person signing below)

served a copy of Respondent's

Response to notice of disciplinary charges

(name of document)

at the following address:

(address of party served)

Susan Jackson Esq. State Bar of CA 845 S. Figueroa St. Los Angeles CA 0017

(address of party served)

By First Class Mail.

(method of service, for example overnight courier, hand-delivery, first class mail)


(SIGNATURE)

10/14/14
(DATE)

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
 OFFICE OF THE CHIEF TRIAL COUNSEL
 2 JAYNE KIM, No. 174614
 CHIEF TRIAL COUNSEL
 3 JOSEPH R. CARLUCCI, No. 172309
 DEPUTY CHIEF TRIAL COUNSEL
 4 MELANIE J. LAWRENCE, No. 230102
 ASSISTANT CHIEF TRIAL COUNSEL
 5 MIA R. ELLIS, NO. 228235
 SUPERVISING SENIOR TRIAL COUNSEL
 6 SUSAN J. JACKSON, No. 125042
 DEPUTY TRIAL COUNSEL
 7 845 South Figueroa Street
 Los Angeles, California 90017-2515
 8 Telephone: (213) 765-1498

FILED

AUG 29 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of:)	Case No. 13-O-15151
SHARON A. HEALEY,)	NOTICE OF DISCIPLINARY CHARGES
No. 138002,)	
)	
A Member of the State Bar)	

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

The State Bar of California alleges:

1 JURISDICTION

2 1. Sharon A. Healy ("Respondent") was admitted to the practice of law in the State of
3 California on December 7, 1988, was a member at all times pertinent to these charges, and is
4 currently a member of the State Bar of California.

5 COUNT ONE

6 Case No. 13-O-15151
7 Rules of Professional Conduct, rule 3-110(A)
8 [Failure to Perform with Competence]

9 2. On or about October 18, 2012, Robert Simbolon and David Simbolon employed
10 Respondent to perform legal services, namely, to file an Alien Relative Petition package
11 on behalf of Robert Simbolon, which Respondent intentionally, recklessly, or repeatedly failed to
12 perform with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A),
13 by performing no legal services of value on behalf of the clients.

14 COUNT TWO

15 Case No. 13-O-15151
16 Business and Professions Code, section 6068(m)
17 [Failure to Respond to Client Inquiries]

18 3. Respondent failed to respond promptly to at least five reasonable e-mail status
19 inquiries made by Respondent's clients, Robert Simbolon and David Simbolon, in about
20 February and March 2013, that Respondent received in a matter in which Respondent had
21 agreed to provide legal services, in wilful violation of Business and Professions Code, section
22 6068(m).

23 COUNT THREE

24 Case No. 13-O-15151
25 Rules of Professional Conduct, rule 3-700(A)(2)
26 [Improper Withdrawal from Employment]

27 4. Respondent failed, upon termination of employment, to take reasonable steps to avoid
28 reasonably foreseeable prejudice to her clients, Robert Simbolon and David Simbolon, by
constructively terminating Respondent's employment in or about February 2013, by failing to
file the Alien Relative Petition package, and thereafter failing to inform the clients that

1 Respondent was withdrawing from employment, in wilful violation of Rules of Professional
2 Conduct, rule 3-700(A)(2).

3
4 COUNT FOUR

5 Case No. 13-O-15151
6 Rules of Professional Conduct, rule 3-700(D)(1)
7 [Failure to Release File]

8 5. Respondent failed to release promptly, upon termination of employment in or about
9 February 2013, to her former clients, Robert and David Simbolon, at the request of the clients, all
10 the client papers and property, following the clients' request for the clients' file on or about
11 August 13, 2013, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

12 COUNT FIVE

13 Case No. 13-O-15151
14 Rules of Professional Conduct, rule 3-700(D)(2)
15 [Failure to Refund Unearned Fees]

16 6. On or about October 18, 2012, Respondent received advanced fees of \$1,500 from
17 her clients, Robert Simbolon and David Simbolon, to file an Alien Relative Petition package
18 (Form I-130). Respondent performed no services of value on behalf of the client and therefore
19 earned none of the advanced fees paid. Respondent failed to refund promptly, upon
20 Respondent's termination of employment in or about February 2013, any part of the \$1,500 fee,
21 in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

22 COUNT SIX

23 Case No. 13-O-15151
24 Business and Professions Code, section 6106
25 [Moral Turpitude-Misrepresentation to Client]

26 7. In or about January 2013, Respondent told her client, David Simbolon, that she had
27 filed the Alien Relative Petition package (Form I-130) on behalf of Robert Simbolon, when
28 Respondent knew or was grossly negligent in not knowing the statement was false, and thereby
committed an act involving moral turpitude, dishonesty or corruption in wilful violation of
Business and Professions Code, section 6106.

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COUNT SEVEN

Case No. 13-O-15151
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

8. On or about October 18, 2012, Respondent received from Respondent's clients, Robert Simbolon and David Simbolon, the sum of \$1,500 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the clients regarding those funds following the clients' request for such accounting on or about February 19, 2014, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

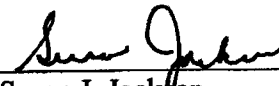
NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: August 29, 2014

By: 
Susan J. Jackson
Deputy Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 13-O-15151

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7197 9008 9111 1008 4616, at Los Angeles, on the date shown below, addressed to:

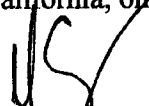
**Sharon A. Healey
Law Office of Sharon A Healey
9594 1st Ave NE Ste 255
Seattle, WA 98115**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: August 29, 2014

Signed: 

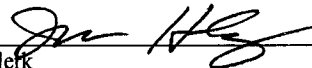
Max Carranza
Declarant



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST December 14, 2018

State Bar Court, State Bar of California,
Los Angeles

By 
Clerk

CERTIFICATE OF SERVICE

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

I am a Court Specialist 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 January 18, 2019, 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:

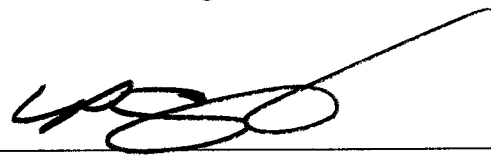
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SHARON A. HEALEY
1961
810 NE 96TH ST
STE 75014
SEATTLE, WA 98115 - 2132

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

Christina Mitchell, Enforcement Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 18, 2019.



Paul Songco
Court Specialist
State Bar Court