

The State Bar of California
Hearing Department: Los Angeles San Francisco
PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

Counsel for the State Bar Cydney Batchelor, #114637 State Bar of California 180 Howard St., 7th Fl. San Francisco, CA 94105 (415) 538-2204	Case Number(s) <div style="text-align: center; font-size: 24pt; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold;">JAN 31 2008</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>	(for Court use) <div style="text-align: center; font-size: 24pt; font-weight: bold;">CONFIDENTIAL</div> <div style="text-align: center; font-size: 24pt; font-weight: bold;">LODGED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold;">AUG 27 2003</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
Counsel for Respondent Charles M. Barrett, #94800	Submitted to Pilot Program Judge <u>SECOND AMENDED</u> <div style="text-align: center; font-weight: bold;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of CHARLES M. BARRETT Bar # 94800 A Member of the State Bar of California (Respondent)		

Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted 12/16/80
(Date)



(2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.

(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." This stipulation consists of 10 pages.

(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."

(6) 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.

(7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

B. Aggravating Circumstances (Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).) Facts supporting aggravating circumstances are required.

- (1) Prior Record of Discipline [see standard 1.2(f)] See Attachment
 - (a) State Bar Court Case # of prior case _____
 - (b) Date prior discipline effective _____
 - (c) Rules of Professional Conduct/State Bar Action violations _____

 - (d) Degree of prior discipline _____
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline"
- (2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) Trust violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Attachment
- (5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See Attachment
- (6) Lack of Cooperation: Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct. See Attachment
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

None.

C. Mitigating Circumstances [standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3) Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to the ~~State Bar during disciplinary investigation and proceedings.~~ to the State Bar during disciplinary investigation and proceedings.
See Attachment
- (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 of force of disciplinary, civil or criminal proceedings.
- (6) Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) Good Faith: Respondent acted in good faith.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) No mitigating circumstances are involved.

Additional mitigating circumstances:

See Attachment

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

If the Respondent is not accepted into the Pilot Program or does not sign the Pilot Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Pilot Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

4/18/03
Date


Respondent's Signature

CHARLES M. BARRETT
Print Name

N/A
Date

N/A
Respondent's Counsel Signature

N/A
Print Name

4/21/03
Date


Deputy Trial Counsel's Signature

CYDNEY BATCHELOR
Print Name

ATTACHMENT TO

STIPULATION RE: FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF : CHARLES MARTIN BARRETT

CASE NO: 00-O-11344, et al.

FACTS AND CONCLUSIONS OF LAW.

Case No: 00-0-11344 (Wilkinson):

Facts: Prior to 1997, Respondent was hired by Douglas and Linda Wilkinson to represent them in an action they brought to prevent the foreclosure on their home. Respondent filed an action on behalf of the Wilkinsons, entitled *Wilkinson vs. Fresno Management Co, et al.*, Fresno County Superior Court, case no.543592-0, and obtained a temporary restraining order preventing the foreclosure from going forward. In April 1997, defendants filed a motion for summary judgment. Respondent had actual notice of the motion, but failed to notify his clients, or to file an opposition or oppose the motion in court. In November 1997, the court granted defendant's motion and dismissed the Wilkinsons' complaint. Respondent had actual notice of the dismissal; however, he actively misrepresented to the Wilkinsons that the matter was still pending. In November 1998, Ms. Wilkinson learned from another source that the case had been dismissed, and confronted Respondent. Respondent then admitted that the case had been dismissed.

Conclusions of Law: By willfully failing to oppose the motion for summary judgment, Respondent recklessly failed to perform competently, in violation of Rule of Professional Conduct 3-110 (A). By willfully misrepresenting to Ms. Wilkinson that her case was still pending, respondent engaged in an act of moral turpitude, in violation of Business and Professions Code section 6106.

Case No: 00-0-13095 (Justice):

Facts: In March 1995, respondent was hired by Charles R. Justice to represent him in a civil dispute against Central Valley Investors Corporation and other defendants. In June 1995, respondent filed a complaint on behalf of Mr. Justice in Fresno County Superior Court, entitled *Justice vs. Parent, Central Valley Investors Corporation, et al.*, case no. 537268-5. In early October 1995, the defendants filed a cross-complaint against Mr. Justice. Respondent had actual notice of the cross-complaint, but failed to notify Mr. Justice. Mr. Justice was unaware that defendants had sued him; however, Respondent filed an answer on his behalf without his knowledge or consent.

In late January 1996, the defendants propounded written discovery to Mr. Justice, including interrogatories. Respondent met with Mr. Justice and prepared tentative responses to the

interrogatories but failed to serve them on the defendants and/or to ask for an extension of time to do so. Defendants filed a motion to compel answers to interrogatories and served it on Respondent. Although he had actual notice of the motion to compel, Respondent failed to notify his client or to file a written opposition to the motion or appear in court to oppose the motion. The court then granted defendants' motion, and ordered that interrogatory responses be provided no later than May 23, 1996. Respondent failed to notify his client or to comply, and defendants filed a motion for terminating sanctions. Respondent again failed to notify his client, or to oppose the motion in writing or in court. In mid-July 1996, the Court granted the motion and dismissed Mr. Justice's complaint, and entered default judgment against him on the cross-complaint in the amount of \$57,500. Respondent thereafter concealed the dismissal and default judgment from Mr. Justice. Instead, he misrepresented to Mr. Justice on a number of occasions that he had won the case on a default judgment. Finally, in Fall 1996, Respondent admitted to Mr. Justice that the case had been dismissed because Respondent had failed to respond to discovery, to oppose the motion to compel, or to oppose the motion to dismiss.

Conclusions of Law: By willfully failing to respond to discovery requests or to oppose motions to compel and dismiss, respondent repeatedly failed to perform legal services competently, in violation of Rule of Professional Conduct 3-110(A). By willfully filing an answer to the cross-complaint without Mr. Justice's knowledge or consent, Respondent appeared without authority, in violation of Business and Professions Code section 6104. By willfully misrepresenting to Mr. Justice that his case had not been dismissed, respondent engaged in acts of moral turpitude, in violation of Business and Professions Code section 6106.

Case no: 01-0-4911 (Roberto):

Facts: In December 2000, Respondent was hired by Tina Roberto to represent her in a wrongful death action about her infant son. From December 2000 to April 2001, Roberto repeatedly attempted to contact Respondent for a status report on her case; however, Respondent willfully failed to reply. In April 2001, Ms. Roberto employed replacement counsel, who repeatedly attempted to contact Respondent to obtain Ms. Roberto's client file. Respondent failed to reply or to release the client file.

Conclusions of Law: By willfully failing to respond to Ms. Roberto's requests for a status report, Respondent violated Business and Professions Code section 6068(m). By willfully failing to return Ms. Roberto's client file upon request, Respondent violated Rule of Professional Conduct 3-700(D)(2).

Case No. 02-O-10908 (State Bar Investigation):

Facts: Effective January 22, 1999, by Order No. SO74111 ("the Order"), the California Supreme Court disciplined Respondent, and placed him on a three (3) year probation with numerous conditions. One of the conditions required him to make restitution to Scott and Lorraine Seidenstricker or the Client Security Fund, in the amount of \$25,078.68 plus ten percent interest from January 1, 1998, and to furnish satisfactory evidence of restitution to the Probation Unit of the State Bar of California. The Order required that Respondent pay restitution to the Seidenstrickers within three years, by on or before January 22, 2002. Respondent had actual notice of the Order. However, he failed to pay any

restitution to the Seidenstrickers as ordered.

Conclusions of Law: By willfully failing to comply with the probation condition that he pay restitution to the Seidenstrickers as set forth in the Order, respondent violated Business and Professions Code section 6068(k).

Case No. 02-O-14026 (Chatelaine):

Facts: In February 2000, Respondent was employed by Norah Chatelaine to provide legal services in a medical malpractice action. Respondent failed to perform legal services on the case and the court dismissed the case in October 2001. Respondent also failed to perform legal services on the cost issue, and the physician defendant's costs were assessed against Ms. Chatelaine, in the amount of \$750.00.

Conclusions of Law: By repeatedly and recklessly failing to perform legal services on Ms. Chatelaine's behalf, Respondent violated Rule of Professional Conduct 3-110(A).

Case No. 02-O-15325 (Williams):

Facts: In May 2001, Ashley Williams employed Respondent through his paralegal to represent her in a bankruptcy matter, and paid the paralegal \$750.00 as advanced fees. Ms. Williams never met Respondent, and he failed to provide any legal services to her. Respondent states that he never knew about Ms. Williams' matter until she lodged her complaint with the State Bar; however, Respondent admits that he failed to supervise the paralegal in his employ adequately.

Conclusions of Law: By recklessly failing to supervise the paralegal in his employ, Respondent failed to perform competently, in violation of Rule of Professional Conduct 3-110(A).

NEXUS BETWEEN MISCONDUCT AND CHEMICAL DEPENDENCY.

If called as a witness, Respondent would testify as follows regarding the nexus between the misconduct set forth above and his chemical dependency: "I started to abuse alcohol seriously when I was still in high school, and my use escalated during college. All through college and law school, I had attendance problems because of my alcohol abuse. I have had relationship and financial problems since college, that have gotten much worse over the years due to my alcoholism. My first marriage failed as a direct result of my alcoholism. On vacations and at office functions after law school, I always got drunk. When I was out of town on business, I frequently extended my stay so that I could drink longer without anyone watching me. From the beginning of my legal career, I was frequently hung over at work. I would frequently fail to do the work, and then lie to cover it up, and then drink more because I felt so much shame. I went from job to job, and left each one just ahead of getting fired. My drinking caused me to lose the house I got in my divorce. Then my second wife threatened to leave me, and I entered treatment, and started attending Alcoholics Anonymous meetings. Afterwards, we lost our house and my wife got hurt. I knew that I couldn't drink anymore, so I started taking her pain pills so that no one would smell alcohol on me during the week. On the weekends, when she was away, I started drinking

alcohol again. In 1999, I changed jobs again and stopped using alcohol and drugs for awhile. However, my old cases caught up with me and I couldn't handle the pressure so I started using again. Finally, my boss called and said that he wanted to have an honest conversation or else I would lose my job. Rather than face him, I thought about other things I could do to get his sympathy. On the verge of doing something drastic, I finally saw what I was doing to my life and decided to stop for good. Since that date – January 20, 2002 – I have been completely sober because I have sought help in every possible way (Alcoholics Anonymous sponsor and meetings; Lawyer's Assistance Program; and Other Bar).”

MITIGATING AND AGGRAVATING FACTORS.

Mitigating Factors:

Candor & Cooperation with the State Bar; Throughout these proceedings, Respondent has been completely candid and cooperative with the State Bar, and has readily admitted his misconduct in the cases set forth herein.

Other Mitigation:

Lawyer's Assistance Program Participation: Respondent signed an application agreement to be assessed by the Lawyer's Assistance Program, and has fully cooperated in that assessment process. Respondent cooperated in an evaluation by a LAP-selected physician, and then met with the LAP Evaluation Committee to discuss full participation in LAP recovery program. Respondent has now signed the participation agreement with LAP that memorializes his five-year commitment to that recovery program.

Restitution: Although not until after intervention by the State Bar, by this Stipulation, Respondent has agreed to pay a total of approximately \$42,000.00 restitution to the Wilkinsons, Mr. Justice and Ms. Williams, plus interest. In arriving at the respective amounts to each claimant, Respondent was extraordinarily cooperative with the State Bar.

Aggravating Factors:

Prior Record of Discipline:

Effective 1/21/94: Private Reprimand (Case No. 92-O-13806) – Stipulated violations of RPC 3-110(A) and 3-700(A)(2) in a one client matter, for conduct that occurred in 1991.

Effective 8/9/95: Public Reprimand (Case No. 92-O-13946) – Stipulated violations of B&P Code section 6068(m) and RPC 3-110(A) in a one client matter, for conduct that occurred in 1992.

Effective 1/23/99 – 3 years probation; 2 years stayed suspension; no actual suspension; Stipulated violations in two client matters, as follows: 97-O-10268: B&P Code section 6068(m) and RPC 3-110(A), for misconduct that occurred in 1994. 97-O-12573: B&P Code section 6068(m) and RPC 3-110(A) for misconduct that occurred in 1996.

Multiple Acts of Wrongdoing: The stipulated misconduct involves six different matters.

Significant Harm: Significant harm was suffered by three clients, as follows: Justice: cause of action lost, and \$140,000.00 malpractice judgment against Respondent was discharged in bankruptcy; Wilkinsons: family home lost; Chatelaine: cause of action lost.

Demonstrated Indifference: Respondent failed to pay any restitution to the Seidenstrickers, or to respond to any communications from their attorney about the restitution.

PENDING PROCEEDINGS.

The disclosure date referred to on page one, paragraph A.(6), was April 15, 2003.

RESTITUTION.

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below:

In accordance with the timetable set forth in the in the “Pilot Program Contract” to be executed between the State Bar Court and Respondent on the captioned cases, Respondent must make restitution as follows:

Scott & Lorraine Seidenstricker, or the Client Security Fund if it has paid, in the principal amount of \$25,078.68, plus interest at the rate of 10% per annum from January 1, 1998 until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Doug & Linda Wilkinson, or the Client Security Fund if it has paid, in the principal amount of \$20,000.00, plus interest at the rate of 10% per annum from January 1, 2003 until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Charles Justice, or the Client Security Fund if it has paid, in the principal amount of \$21,700.00, plus interest at the rate of 10% per annum from January 1, 1998 until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Ashley Williams, or the Client Security Fund if it has paid, in the principal amount of \$750.00, plus interest at the rate of 10% per annum from May 1, 2001 until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

ORDER

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

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

Date

8/27/03

J. M. Bunker
Judge of the State Bar Court

State Bar Court of the State Bar of California
Hearing Department: Los Angeles San Francisco
PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

Counsel for the State Bar Cydney Batchelor, #114637 State Bar of California 180 Howard St., #225 San Francisco, CA 94105 Tele: 415/538-2204	Case Number(s) PUBLIC MATTER (for Court use) 03-0-177-JMR 03-0-4736 FILED JAN 31 2008 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	LODGED APR 05 2004 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel for Respondent Charles M. Barrett, #94800 715 University Ave. Sacramento, CA 95825 Tele: 916/920-2111	Submitted to Pilot Program Judge ADDENDUM TO SECOND AMENDED STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of CHARLES M. BARRETT Bar # 94800 A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted 12/16/80
(Date)

(2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.

(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." This stipulation consists of 8 pages.

(4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts".

See attachment

(5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."

See attachment

(6) 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.

(7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

B. Aggravating Circumstances (Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).) Facts supporting aggravating circumstances are required.

(1) Prior Record of Discipline [see standard 1.2(f)] See attachment

(a) State Bar Court Case # of prior case _____

(b) Date prior discipline effective _____

(c) Rules of Professional Conduct/State Bar Action violations _____

(d) Degree of prior discipline _____

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline"

(2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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(7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.

see attachment

(8) No aggravating circumstances are involved.

Additional aggravating circumstances:

None.

C. Mitigating Circumstances [standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3) Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
See attachment.
- (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.
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- (7) Good Faith: Respondent acted in good faith.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) No mitigating circumstances are involved.

Additional mitigating circumstances:

See attachment.

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

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2/9/04
Date


Respondent's Signature

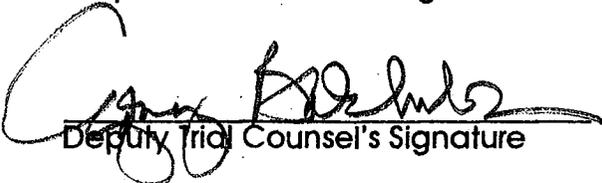
CHARLES M. BARRETT
Print Name

N/A
Date

N/A
Respondent's Counsel Signature

NONE
Print Name

2/10/04
Date


Deputy Trial Counsel's Signature

CYDNEY BATCHELOR
Print Name

ATTACHMENT TO

ADDENDUM TO SECOND AMENDED STIPULATION
RE: FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF : CHARLES MARTIN BARRETT

CASE NO: 03-O-177-JMR; 03-O-4736

FACTS AND CONCLUSIONS OF LAW.

Case No. 03-O-177 (Sue Haney)

Facts: In October 2001, Sue Haney employed Respondent to represent her in a child custody and visitation matter, and paid him \$1500.00 as advanced attorney's fees. Respondent failed to perform the legal services for which he was employed, or to respond to Ms. Haney's numerous telephone messages, until after the intervention of the State Bar in early 2003.

Conclusions of Law: By willfully failing to perform the legal services in a timely manner, Respondent intentionally failed to perform legal services competently, in violation of Rule 3-110(A) of the Rules of Professional Conduct. By willfully failing to respond to Ms. Haney's numerous telephone inquiries until after the intervention of the State Bar, Respondent failed to respond to reasonable status inquiries of his client, in violation of Business and Professions Code section 6068(m).

Case No. 03-O-4736 (Ola Barrett)

Facts: In mid-July 2001, Ola Barrett employed Respondent to clear a title for her on a trust for which she was the trustee, and paid him \$1500.00 as advanced attorney's fees. Ms. Barrett is not related to Respondent. Respondent failed to perform the legal services for which he was employed, or to refund unearned fees.

Conclusions of Law: By willfully failing to perform the legal services in a timely manner, Respondent intentionally failed to perform legal services competently, in violation of Rule 3-110(A) of the Rules of Professional Conduct. By willfully failing to refund unearned fees to Ms. Barrett, Respondent failed to refund unearned fees promptly, in violation of Rule of Professional Conduct 3-700(D)(2).

CMB
2/4

NEXUS BETWEEN MISCONDUCT AND CHEMICAL DEPENDENCY.

If called as a witness, Respondent would testify as follows regarding the nexus between the misconduct set forth above and his chemical dependency: "I started to abuse alcohol seriously when I was still in high school, and my use escalated during college. All through college and law school, I had attendance problems because of my alcohol abuse. I have had relationship and financial problems since college, that have gotten much worse over the years due to my alcoholism. My first marriage failed as a direct result of my alcoholism. On vacations and at office functions after law school, I always got drunk. When I was out of town on business, I frequently extended my stay so that I could drink longer without anyone watching me. From the beginning of my legal career, I was frequently hung over at work. I would frequently fail to do the work, and then lie to cover it up, and then drink more because I felt so much shame. I went from job to job, and left each one just ahead of getting fired. My drinking caused me to lose the house I got in my divorce. Then my second wife threatened to leave me, and I entered treatment, and started attending Alcoholics Anonymous meetings. Afterwards, we lost our house and my wife got hurt. I knew that I couldn't drink anymore, so I started taking her pain pills so that no one would smell alcohol on me during the week. On the weekends, when she was away, I started drinking alcohol again. In 1999, I changed jobs again and stopped using alcohol and drugs for awhile. However, my old cases caught up with me and I couldn't handle the pressure so I started using again. Finally, my boss called and said that he wanted to have an honest conversation or else I would lose my job. Rather than face him, I thought about other things I could do to get his sympathy. On the verge of doing something drastic, I finally saw what I was doing to my life and decided to stop for good. Since that date – January 20, 2002 – I have been completely sober because I have sought help in every possible way (Alcoholics Anonymous sponsor and meetings; Lawyer's Assistance Program; and Other Bar)."

MITIGATING AND AGGRAVATING FACTORS.

Mitigating Factors:

Candor & Cooperation with the State Bar: Throughout these proceedings, Respondent has been completely candid and cooperative with the State Bar, and has readily admitted his misconduct in the cases set forth herein.

Other Mitigation:

Lawyer's Assistance Program Participation: Respondent signed an application agreement to be assessed by the Lawyer's Assistance Program, and has fully cooperated in that assessment process. Respondent cooperated in an evaluation by a LAP-selected physician, and then met with the LAP Evaluation Committee to discuss full participation in LAP recovery program. Respondent signed the participation agreement with LAP that memorialized his five-year commitment to that recovery program on February 10, 2003. He has been in full compliance with LAP and the terms of his participation agreement for the year since that date.

Aggravating Factors:

Prior Record of Discipline:

Effective 1/21/94: Private Reprimand (Case No. 92-O-13806) – Stipulated violations of RPC 3-110(A) and 3-700(A)(2) in a one client matter, for conduct that occurred in 1991.

Effective 8/9/95: Public Reprimand (Case No. 92-O-13946) – Stipulated violations of B&P Code section 6068(m) and RPC 3-110(A) in a one client matter, for conduct that occurred in 1992.

Effective 1/23/99 – 3 years probation; 2 years stayed suspension; no actual suspension; Stipulated violations in two client matters, as follows: 97-O-10268: B&P Code section 6068(m) and RPC 3-110(A), for misconduct that occurred in 1994. 97-O-12573: B&P Code section 6068(m) and RPC 3-110(A) for misconduct that occurred in 1996.

Multiple Acts of Wrongdoing: The stipulated misconduct involves two different matters.

PENDING PROCEEDINGS.

The disclosure date referred to on page one, paragraph A.(6), was February 5, 2004

RESTITUTION.

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim for the principal amount of restitution set forth below:

In accordance with the timetable set forth in the in the “Pilot Program Contract” to be executed between the State Bar Court and Respondent on the captioned case, Respondent must make restitution as follows:

Ola Barrett, or the Client Security Fund if it has paid, in the principal amount of \$1500.00, plus interest at the rate of 10% per annum from August 1, 2001 until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

AMS 2/14/04

ORDER

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

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

4-5-04

Date


Judge of the State Bar Court