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

**ORIGINAL**

Counsel For The State Bar  <b>Tammy M. Albertsen-Murray</b> 180 Howard Street San Francisco, CA 94105  (415) 538-2527  Bar # 154248	Case Number (s)  <b>02-C-11540-RAP</b>          PUBLIC MATTER	(for Court's use)  <b>FILED</b>  APR 27 2007 <i>[Signature]</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent  <b>Victoria M. Walter</b> PO Box 3739 Half Moon Bay, CA 94019  (650) 888-2884  Bar # 187805	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>PUBLIC REPROVAL</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: <b>VICTORIA M. WALTER</b>  Bar # 187805  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 **April 18, 1997**.
- (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."
- (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 added to membership fee for calendar year following effective date of discipline (public reproof)
  - ☐ case ineligible for costs (private reproof)
  - ☐ costs to be paid in equal amounts for the following membership years:  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - ☐ costs entirely waived
- (9) The parties understand that:
- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b) ☐ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c) ☒ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**B. Aggravating Circumstances [for definition, see 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)]
- (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 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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- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **The facts and circumstances surrounding respondent's misconduct involved multiple violations of the California Health and Safety Code and of the California Business and Professions Code.**
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see 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. **Respondent was admitted in 1997 and has had no prior disciplinary issues prior to the instant criminal conviction referral matters.**
- (2) ☒ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct. **Other than herself, there was no direct "victim" of respondent's criminal convictions.**
- (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. **At all times during the pendency of the instant matters, respondent has been very forthright with the State Bar.**
- (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. **From the beginning of and throughout her interaction with the State Bar during these proceedings, respondent has acknowledged her misconduct and expressed remorse therefor.**
- (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 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 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 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:**

**Please see Stipulation Attachment**

**D. Discipline:**

- (1) ☐ **Private reproof (check applicable conditions, if any, below)**
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) ☒ **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of **three (3) years**.
- (2) ☒ During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent

must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish 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 monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reproval.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☒ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ 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 of the effective date of the reproval.
- ☐ No MPRE recommended. Reason: .
- (11) ☒ The following conditions are attached hereto and incorporated:
- |  |   |
|--|---|
| <input checked="" 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:**

**Please see Stipulation Attachment**

In the Matter of  
VICTORIA M. WALTER

Case number(s):  
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### Substance Abuse Conditions

- a. ☒ Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. ☒ Respondent must attend at least **(please see Stipulation Attachment)** meetings per month of:
- ☐ Alcoholics Anonymous
  - ☐ Narcotics Anonymous
  - ☐ The Other Bar
  - ☒ Other program - **Please See Stipulation Attachment**

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10<sup>th</sup>) day of the following month, during the condition or probation period.

- c. ☒ Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. ☒ Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. ☒ Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:       **VICTORIA M. WALTER**

CASE NUMBER:           **02-C-11540-RAP**

**FACTS AND CONCLUSIONS OF LAW.**

**Procedural Background**

This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professional Code and rule 951 of the California Rules of Court. On September 7, 2004, respondent pled guilty to misdemeanor violations of Health and Safety Code sections 11364 [possession of drug paraphernalia; one count], 11377(a) [possession of methamphetamine; one count], 11550(a) [being under the influence of a controlled substance; one count], and Business and Professions Code section 4140 [possession of a hypodermic needle and/or syringe; one count]. On October 31, 2005, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

**Facts**

On January 24, 2002, respondent called the paramedics to report that another individual she was with had overdosed on narcotics. The paramedics and the Mill Valley Police Department responded. The police officers asked respondent for identification, and when she opened her purse, a hypodermic syringe fell out. Respondent was also determined to be under the influence of a controlled stimulant at the time. On April 12, 2002, a criminal complaint was filed against her which alleged misdemeanor violations of Health and Safety Code sections 11364, 11377(a) and 11550, and Business and Professions Code section 4140. On June 6, 2002, respondent pled guilty and was placed on diversion pursuant to Penal Code section 1000. However, before she could complete drug diversion, respondent was rearrested on April 23, 2004 for a misdemeanor violation of Health and Safety Code section 11550(a) [being under the influence of a controlled substance]. The April 23, 2004 arrest resulted in a petition being filed to revoke her diversion and to reinstate criminal charges. On September 7, 2004, respondent admitted the allegations of a petition to revoke her diversion, and diversion was terminated and criminal proceedings reinstated. Respondent was placed on three years formal, supervised probation, on conditions including *inter alia* that she serve 90 days in custody. The criminal

court reported the convictions to the State Bar on August 19, 2005.

### **Legal Conclusion**

The facts and circumstances surrounding Respondent's misdemeanor violations of Health and Safety Code sections 11364, 11377(a), and 11550, and of Business and Professions Code section 4140, do not involve moral turpitude but do involve other misconduct warranting discipline.

The respondent acknowledges that by committing these criminal violations, she willfully failed to uphold the laws of the State of California, in violation of Business and Professions Code section 6068(a).

### **AUTHORITIES SUPPORTING LEVEL OF DISCIPLINE**

- *In re Kelley* (1990) 52 Cal.3d 487;
- Standard 2.6 (Offenses Involving Other Specified Sections of the Business and Professions Code, 6068 (a);
- Standard 3.4 (Conviction of a Crime Involving Other Misconduct Warranting Discipline).

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 5, 2007, the estimated prosecution costs in this matter are approximately \$ 3,530.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which may be included in any final cost assessment. 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.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was April 5, 2007.



## ADDITIONAL MITIGATING CIRCUMSTANCES.

Contacting authorities for aid to another: When it appeared to her that another individual had overdosed on narcotics, respondent telephoned the paramedics for assistance, even though that contact resulted in criminal charges being filed against her.

Residential Treatment: After a relapse, respondent entered into in-patient, residential treatment to address her methamphetamine addiction at Centerpoint Treatment Center.

Stipulation: Respondent has taken responsibility for her misconduct and stipulated to the discipline in this case, thus obviating the need for trial. thus obviating the need for further proceedings, including trial, therefore saving judicial resources.

### F. OTHER CONDITIONS NEGOTIATED BY THE PARTIES/SUBSTANCE ABUSE CONDITIONS, continued from Stipulation, pages 5 and 6:

1. **ATTENDANCE AT ABSTINENCE-BASED SELF-HELP GROUP:** Respondent shall attend an abstinence-based self help group of her own choosing, including *inter alia*, Narcotics Anonymous, LifeRing, S.M.A.R.T, S.O.S. Other self-help maintenance programs are acceptable if they include: (i) a subculture to support recovery (meetings); and (ii) a process of personal development that does not have financial barriers. (See, *O'Conner v. Calif.* (C.D. Calif. 1994) 855 F. Supp. 303 [No first amendment violation where probationer given choice between AA and secular program].) The program called "Moderation Management" is not acceptable because it allows the participant to continue consuming alcohol. **Frequency of meetings:** respondent shall attend at least four (8) meetings per month at the rate of at least two per week

Respondent shall furnish to the Probation Unit of the State Bar proof of attendance at the meetings set forth in this Condition. If respondent attends meetings via the internet, respondent shall furnish to the Probation Unit documentary evidence of her participation in such meetings.

2. Respondent acknowledges that she is required to submit to random blood and/or urine testing, at the direction of the Probation Unit of the State Bar. Respondent shall furnish to a licensed medical laboratory of her choice upon request of the Probation Unit such blood and/or urine samples as may be required to show that respondent has abstained from the use of alcohol and other drugs. The furnishing of said samples must be observed by laboratory personnel and be conducted in such a manner as may be specified by the laboratory to ensure specimen identification and integrity. Respondent shall cause the laboratory to provide the Probation Unit at respondent's expense a screening report based on said samples.

3. Respondent acknowledges that the Probation Unit may require respondent to submit herself for observed furnishing of her blood and/or urine samples at the licensed laboratory

identified in paragraph 2 above no later than **six (6) hours** after telephone notice to respondent at the telephone number provided by respondent. The parties acknowledge that any requirement by the Probation Unit for respondent to submit a blood and/or urine sample within six (6) hours shall be made by the Probation Unit no later than **10:00 a.m.** of the day the test is being required to allow respondent a reasonable period of time to comply with a same-day request.

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### SIGNATURE OF THE PARTIES

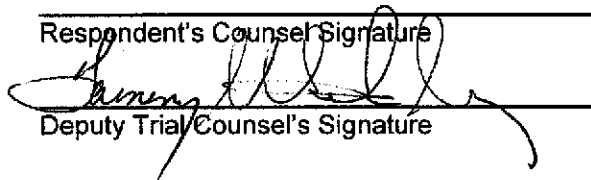
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

4/16/07  
Date

  
Respondent's Signature

Victoria M. Walter  
Print Name

4/23/07  
Date

  
Respondent's Counsel Signature  
Deputy Trial Counsel's Signature

Print Name  
Tammy M. Albertsen-Murray  
Print Name

(Do not write above this line.)

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### ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☐ All court dates in the Hearing Department 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 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

Date

April 25

Scott McElroy  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 27, 2007, 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:

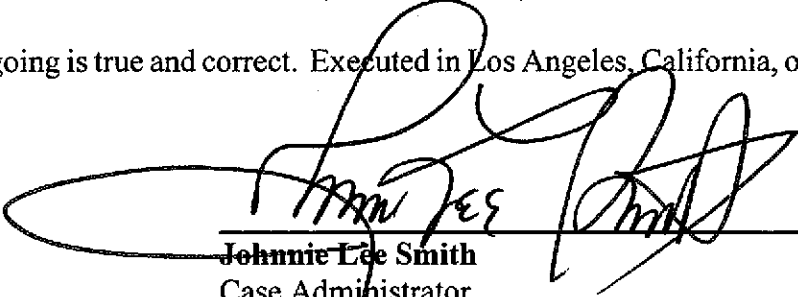
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**VICTORIA M. WALTER  
LAW OFC VICTORIA WALTER  
451 LAUREL AVE  
HALF MOON BAY, CA 94019**

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

**TAMMY ALBERTSEN-MURRY , Enforcement, SAN FRANCISCO**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 27, 2007.

  
\_\_\_\_\_  
**Johnnie Lee Smith**  
Case Administrator  
State Bar Court