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THE STATE BAR OF CALIFORNIA
OFFICE OF PROBATION
TERRIE GOLDADE, No. 155348
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Los Angeles, California 90015-2299
Telephone: (213) 765-1000

ORIGINAL
FILED

AUG 23 2006

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

THE STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of) Case No. 02-C-14810-JMR
)
Woodrow E. Nichols, Jr.,) STIPULATION REGARDING MODIFICATION
No. 142932.) OF PROBATION.
)
) (Rule 951(c), California Rules of Court; Rules 550,
<u>A Member of the State Bar</u>) <i>et seq.</i> , Rules of Procedure)

TO: The State Bar Court:

PLEASE TAKE NOTICE THAT the State Bar of California, Office of Probation, by and through Supervising Attorney Terrie Goldade and Woodrow E. Nichols, Jr. ("Respondent"), by and through his attorney Jonathan I. Arons, hereby stipulate to extend the reprobation period in the instant case to **March 9, 2008**, to delete the other reprobation condition requiring Respondent's participation in the Lawyer Assistance Program, and to add conditions for monthly and random testing, attendance at abstinence-based self help groups, and a medical waiver, as more fully set forth below.

This stipulation is made pursuant to rule 951(c), California Rules of Court, and rules 550, *et seq.*, Rules of Procedure of the State Bar of California. This stipulation is based upon the facts set forth in Respondent's Motion for Modification of Probation filed and served by

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1 mail on July 11, 2006. Because of such facts, the requested relief is appropriate and serves
2 the objectives of probation.

3 4 STIPULATION

5 1. On August 19, 2004, the State Bar Court filed an Order Approving Stipulation in
6 State Bar Court case no. 02-C-14810, imposing a private reproof upon Woodrow E. Nichols,
7 Jr. ("Respondent") for two years. Respondent was further ordered to comply with other
8 conditions, including the following other condition of reproof:

9 **Participation in State Bar Lawyer's Assistance Program.** In May 2004,
10 Respondent voluntarily entered into a pre-enrollment application agreement
11 with the Lawyer Assistance Program, with an intent to sign a participation
12 agreement to enroll in LAP and comply with its conditions regarding
13 substance abuse testing, monitoring and treatment. Respondent shall comply
14 with the terms of the application agreement until such time as it is superseded
15 by a participation agreement. As soon as the participation agreement is
16 superseded by a participation agreement (sic). As soon as the participation
17 agreement is presented to Respondent, he shall execute it, and shall provide a
18 copy of the fully-executed agreement to the Probation Unit within ten (10)
19 days of his receipt of the agreement. Thereafter, respondent shall comply with
20 the participation agreement, as the participation agreement may be modified
21 by Respondent and the LAP from time to time, and shall furnish satisfactory
22 evidence of such compliance to the Probation Unit. Respondent shall include
23 in each quarterly and final report required herein satisfactory evidence of all
24 such compliance made by him during that reporting period.

18 2. The parties stipulate to extend the reproof period to **March 9, 2008.**

19 3. The parties stipulate that Respondent shall attend at least five (5) meetings per
20 week of an abstinence-based self help group of his own choosing, including *inter alia*, The
21 Other Bar, Alcoholics Anonymous, Narcotics Anonymous, LifeRing, S.M.A.R.T., S.O.S, at
22 least three of the meetings each week must be in-person, the remaining meetings may be
23 attended through use of the internet. The internet meetings are to occur on separate days each
24 week, i.e. Respondent is not to attend both internet meetings on the same day. Other self-
25 help maintenance programs are acceptable if they include: (i) a subculture to support recovery
26 (meetings); and (ii) a process of personal development that does not have financial barriers.
27 (*See O'Connor v. Calif.* (C.D. Calif. 1994) 855 F. Supp. 303 [No first amendment violation
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1 where probationer given choice between AA and secular program].) The program called
2 "Moderation Management" is not acceptable because it allows the participant to continue
3 consuming alcohol.

4 4. As a separate reporting requirement, Respondent must provide to the Office of
5 Probation satisfactory proof of attendance during each month, on or before the tenth (10th)
6 day of the following month, during the reprobation period.

7 5. Respondent must select a licensed medical laboratory approved by the Office of
8 Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be
9 required to show that Respondent has abstained from alcohol and/or narcotics, dangerous or
10 restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a
11 valid prescription. The samples must be furnished to the laboratory in such a manner as may
12 be specified by the laboratory to ensure specimen integrity. Respondent must cause the
13 laboratory to provide to the Office of Probation, at Respondent's expense, a screening report
14 on or before the tenth day of each month of the condition or probation period, containing an
15 analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.

16 6. Respondent must maintain with the Office of Probation a current address and a
17 current telephone number at which Respondent can be reached. Respondent must return any
18 call from the Office of Probation concerning testing of Respondent's blood or urine within
19 twelve (12) hours. The Office of Probation may require Respondent to deliver Respondent's
20 urine and/or blood sample(s) for additional reports to the laboratory described above no later
21 than six hours after actual notice to Respondent that the Office of Probation requires an
22 additional screening report.

23 7. Upon the request of the Office of Probation, Respondent must provide the Office
24 of Probation with medical waivers and access to all of Respondent's medical records in
25 relation to Respondent's consumption of alcohol and/or narcotics, dangerous or restricted
26 drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid
27 prescription or to any effects in relation to such. Revocation of any medical waiver is a
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1 violation of this condition. Any medical records obtained by the Office of Probation are
 2 confidential and no information concerning them or their contents will be given to anyone
 3 except members of the Office of Probation, Office of the Chief Trial Counsel, and the State
 4 Bar Court who are directly involved with maintaining, enforcing or adjudicating this
 5 condition.

6 8. All other terms and conditions attached to the reprobation shall remain in full force
 7 and effect.

8 Respectfully submitted.

9 THE STATE BAR OF CALIFORNIA
10 OFFICE OF PROBATION

11
12 Dated: August 22, 2006

13 BY: Terrie Goldade
14 Terrie Goldade
15 Supervising Attorney

16 Respectfully submitted.

17 Dated: 8/9, 2006

18 BY: Woodrow Nichols
19 Woodrow Nichols, Jr.
20 Respondent

21 Respectfully submitted.

22 Dated: August 18, 2006

23 BY: Jonathan I. Arons
24 Jonathan I. Arons
25 Respondent's Counsel

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DECLARATION OF SERVICE BY FIRST CLASS MAIL

CASE NUMBERS: 02-C-14810-JMR

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, 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

STIPULATION REGARDING MODIFICATION OF PROBATION

in a sealed envelope placed for collection and mailing as first class mail, at Los Angeles, on the date shown below, addressed to:

**JONATHAN IRWIN ARONS
101 HOWARD ST #310
SAN FRANCISCO, CA 94105**

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 22, 2006

SIGNED: 
Cindy Jollotta
Declarant