


Counsel for the State Bar Cydney Bachelor, #114637 State Bar of California 180 Howard St. San Francisco, CA 94105 Tele: 415/538-2204	Case Number(s) CONFIDENTIAL 04-C-10375-PEM FILED ORIGINAL OCT 02 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	(for Court use) kwiktag® 031 978 883  LODGED MAR 21 2005 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel for Respondent Douglas L. Rappaport, #136194 582 Market St., 19th Fl. San Francisco, CA 94104 Tele: 415 989-7900	Submitted to Pilot Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of ROBERT M. McCONNELL Bar # 2035 5 A Member of the State Bar of California (Respondent)		

A. Parties Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted 12/6/99
 (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 & 6141.7 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)]
- (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.
- (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 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.
- (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.
- (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. see attachment
- (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 attached.

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.

Sept 2, 2001
Date


Respondent's Signature

ROBERT M. McCONNELL
Print Name

9-2-04
Date


Respondent's Counsel Signature

DOUGLAS L. RAPPAPORT
Print Name

9/3/04
Date


Deputy Trial Counsel's Signature

CYDNEY BATCHELOR
Print Name

depleted my savings and resorted to illegal means to obtain drugs. Following my arrest in October 27, 2003, I began to confront the emotional problems underlying my addiction, entered residential treatment and began my participation in the State Bar Lawyer Assistance Program and Alcoholics Anonymous. I have remained abstinent, clean and sober since that date.”

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was September 1, 2004.

MITIGATING CIRCUMSTANCES.

Facts Supporting Mitigating Circumstances.

Candor and cooperation: Respondent has been completely candid and cooperative with the State Bar during its investigation and resolution of this case.

Objective Steps Promptly Taken: Immediately after his arrest, Respondent voluntarily entered residential treatment for his methamphetamine addiction. While he was in treatment, he also voluntarily contacted the State Bar Lawyer Assistance Program (“LAP”), and began the intake process. Respondent paid full restitution to the Walnut Creek store for the home stereo (satisfactory proof of restitution has been provided to the State Bar), and then entered guilty pleas to the misdemeanor violations rather than contest the charges. After these convictions were referred to the Review Department, the Court issued an order to show cause on March 11, 2004 regarding why Respondent should not be placed on interim suspension as a result of the convictions. On April 9, 2004, Respondent filed his statement of non-opposition to interim suspension being imposed against him. Based on his non-opposition, the Review Department placed him on interim suspension on May 26, 2004; Respondent has remained on interim suspension since that date.

Family Problems: Sometime during the eleventh or twelfth grade, Respondent came to realize that he was most probably gay, though he hid this information from the outside world, including and most importantly, from his parents. He felt that to divulge his sexual orientation would result in his rejection from the family. Ironically, however, harboring this secret created a rift between himself and his parents rather than maintaining the closeness which they previously enjoyed. And as the estrangement and loss of love grew more pervasive, Respondent ultimately filled the void (or at least covered it over) with drugs and the accompanying lifestyle. Following his arrest in October 2003, Respondent

revealed his sexual orientation to his parents. Rather than the rejection that he had anticipated, Respondent's parents accepted their son and assisted in his recovery, and he is no longer faced with the family problems that resulted in his addiction.

Additional Mitigating Circumstances.

No prior discipline: Although the stipulated misconduct is serious, it is worth noting that Respondent has had no prior record of discipline since being admitted in 1999.

Substance Abuse Treatment: As noted above, Respondent accepted responsibility for his misconduct by paying full restitution, electing not to challenge the criminal charges, voluntarily entering into residential treatment, and not contesting interim suspension. Respondent also consulted LAP, and signed a LAP pre-enrollment application and assessment agreement on November 6, 2003. He was then assessed and monitored for a period of time by LAP. At the conclusion of the LAP assessment, Respondent met with its Evaluation Committee, and then entered into a long-term participation agreement on June 4, 2004. He has remained in full compliance with LAP since his initial contact with the program.

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.)

March 21, 2005
Date

Pat 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. 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 March 21, 2005, I deposited a true copy of the following document(s):

DECISION RE ALTERNATIVE RECOMMENDATIONS FOR DEGREE OF DISCIPLINE

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM

in a sealed envelope for collection and mailing on that date as follows:

by personally delivering such documents to the following individuals at 180 Howard Street, 6th Floor, San Francisco, California 94105-1639:

CYDNEY BATCHELOR

DOUGLAS L. RAPPAPORT

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **March 21, 2005**.



Laretta Cramer
Case Administrator
State Bar Court