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## State Bar Court of California

Hearing Department

Los Angeles

## PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

|   |   |   |
|---|---|---|
| <p>Counsel For The State Bar</p> <p><b>DAVID SAUBER</b><br/>Deputy Trial Counsel<br/>Bar #176554</p> <p><b>JAYNE KIM</b><br/>Assistant Chief Trial Counsel<br/>Bar #174614</p> <p>Office of the Chief Trial Counsel<br/>1149 S. Hill Street<br/>Los Angeles, CA 90015<br/>213-765-1000</p> <p>Bar #</p> | <p>Case Number (s)<br/>04-C-12303</p> <p><b>LODGED</b></p> <p><del>JUL 16 2007</del><br/>STATE BAR COURT<br/>CLERK'S OFFICE<br/>LOS ANGELES</p> | <p>(for Court's use)</p> <p><b>FILED</b></p> <p>SEP 30 2010</p> <p>STATE BAR COURT<br/>CLERK'S OFFICE<br/>LOS ANGELES</p> |
| <p>Counsel For Respondent</p> <p><b>JOANNE E. ROBBINS</b><br/>9200 Sunset Blvd. PH7<br/>Los Angeles, CA 90069<br/>310-887-3900<br/>Bar# 82352</p> <p><b>JACK J. QUINN</b><br/>777 S. Figueroa Ave., 44Floor<br/>Los Angeles, CA 90017<br/>213-243-4000<br/>Bar #29588</p> <p>Bar #</p>                  | <p>Submitted to:</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>              |   |
| <p>In the Matter Of:<br/><b>PIERCE HENRY O'DONNELL</b></p> <p>Bar # 81298</p> <p>A Member of the State Bar of California<br/>(Respondent)</p>   |   |   |

**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 **October 12, 1978.**



- (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 the 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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 7 pages, excluding 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) 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.

**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:
- (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 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. **See Stip Attachment, page 5.**
- (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.
- (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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **See page 4.**
- (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. **See page 4.**
- (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. **See page 4. PARAGRAPH 4. DAT**
- (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. **See page 4.**
- (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:**

1. Respondent has no prior record of discipline in approximately 29 years of practice.
2. Respondent displayed spontaneous candor and cooperation with the State Bar and with the ~~forementioned~~ donors. Prior to the filing of this case, Respondent contacted the State Bar and admitted the facts of the misconduct. Respondent also kept the State Bar informed of his criminal proceedings.
3. Respondent demonstrated remorse and recognition of his wrongdoing by cooperating with law enforcement and by paying for the legal fees incurred by the aforementioned donors in relation to Respondent's misconduct.
4. As established by a medical expert, Respondent suffered extreme emotional difficulties, at the time of the stipulated misconduct, which were directly responsible for the misconduct.
5. Respondent's good character has been attested to by a wide range of references in the legal and general communities who are aware of the full extent of his misconduct.
6. Respondent has demonstrated a history of charitable work and contributions, spanning more than a decade.

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION** *MS*

IN THE MATTER OF:      PIERCE H. O'DONNELL

CASE NUMBER(S):      04-C-12303

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**Facts for Case No. 04-C-12303**

1. Respondent has been a member of the State Bar since October 12, 1978.
2. In 2000, Respondent pledged to raise \$50,000 in political contributions to then Los Angeles Mayor James Hahn.
3. Respondent made several attempts to raise the money by engaging in a mass mailing effort to friends/colleagues, making personal appeals to potential donors, and arranging a luncheon for individuals to meet personally with Hahn. Despite these efforts, however, Respondent was unable to raise \$50,000.
4. In May 2000, Respondent told his assistant that he would reimburse staff members for contributions to the Hahn campaign. Subsequently, from May 22, 2000, through March 1, 2001, Respondent's assistant advised staff members that Respondent would reimburse them for their political contributions to Hahn's campaign. As a result, Respondent and his assistant caused 26 individuals to contribute a total of \$25,500.00 to Hahn's campaign - with the understanding that Respondent would reimburse each donor for his/her contribution.
5. Of the 26 donors, 23 of them were employees or spouses of employees at Respondent's law firm. The remaining three donors were friends or a spouse of a friend of Respondent's.

Attachment Pag

6. Respondent's misconduct did not involve financial gain or the practice of law.
7. On May 20, 2004, the Los Angeles City Attorney's Office filed 26 misdemeanor violations of Government Code section 84301 (using a false name in making political contributions) against Respondent, in case no. 04CR03404.
8. On February 2, 2006, as part of a plea agreement, Respondent was convicted of five misdemeanor counts of Government Code section 84301 with the remaining counts dismissed.

**Conclusions of Law for Case No. 04-C-12498-12303** *1/12/08*

9. The facts and circumstances surrounding Respondent's convictions involve moral turpitude and other misconduct warranting discipline pursuant to Business and Professional Code sections 6101 and 6102.

Attachment Pag

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In the Matter of  
PIERCE HENRY O'DONNELL,  
Bar # 81298

Case number(s):  
04-C-12303

### 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.

1/30/07

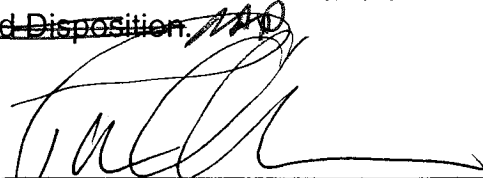
Date

January 29, 2007

Date

1-31-07

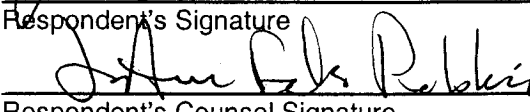
Date



Respondent's Signature

Pierce H. O'Donnell

Print Name



Respondent's Counsel Signature

JoAnne E. Robbins

Print Name



Deputy Trial Counsel's Signature

David Sauber

Print Name

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In the Matter Of  
**PIERCE HENRY O'DONNELL**  
Bar # 81298

Case Number(s):  
**04-C-12303**

### 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 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.
- ☐ 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; or 3) Respondent is not accepted for participation  
in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of  
Procedure.)

Date

July 18, 2007

Judge of the State Bar Court