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State Bar Court of California
Hearing Department

PUBLIC MATTER

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

Counsel For The State Bar
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Case Number (s)

04-C-12498

(for Court's use)

FILED

APR 07 2011

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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LOS ANGELES~~

Submitted to: Program Judge

ARTHUR L. MARGOLIS
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2000 Riverside Drive
Los Angeles, California 90039
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In the Matter Of:

STEPHEN PATRICK WHITE

Bar # 125276

A Member of the State Bar of California
(Respondent)

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

PREVIOUS STIPULATION REJECTED

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 December 15, 1986.
- (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 6 pages, excluding the order.
- (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.

(Stipulation form approved by SBC Executive Committee 9/18/2002. Rev. 12/16/2004; 12/13/2006.)

Program



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 90-C-17841
- (b) Date prior discipline effective October 21, 1995
- (c) Rules of Professional Conduct/ State Bar Act violations: B&P §§ 6101 & 6102; DUI with a prior
- (d) Degree of prior discipline Public Reprimand of (1) Year
- (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.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

See Attachment, Section "Prior Record of Discipline"

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.

See page 5

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- (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.
- (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 5.*
- (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. *See page 5.*
- (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:

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **STEPHEN PATRICK WHITE**

MEMBER # **125276**

CASE NUMBER(s): **04-C-12498**

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-12498

1. On or about April 30, 2004, Respondent was pulled over by a Harbor Police Department officer in the San Diego area. Respondent had been observed speeding and straddling lane dividers which led the officer to pull him over. Based on the officer's observation that there was an odor of alcohol coming from Respondent's car and Respondent's failure to complete the field sobriety tests, Respondent was arrested. A breath test was administered at the police station and Respondent's blood alcohol content registered at .12%.
2. On or about May 25, 2004, a Criminal Complaint was filed in San Diego Superior Court in Case No. WS8910 charging Respondent with the following: Count One- Vehicle Code section 23152(a): DUI Alcohol and/or drugs; and Count Two- Vehicle Code section 23152(b): DUI Alcohol .08 or more.
3. On or about May 19, 2005, the matter proceeded to a jury trial. On or about May 23, 2005, a guilty verdict was filed with the court as to Count Two charging a violation of Vehicle Code section 23152(b): Driving with a blood alcohol level of .08 or higher.
4. On or about June 22, 2005, Respondent was sentenced to summary probation on condition of 180 custody suspended for five years. Further, Respondent was ordered to pay a fine, complete an alcohol education program, and restricted his driver's license for 90 days, among other conditions.
5. On December 16, 1994, in San Diego Municipal Court, Case No. T065799, Respondent was convicted of misdemeanor violations of Vehicle Code sections 23152(a): Driving under the influence of alcohol; and section 23152(b): Driving with .08% blood alcohol content. Further, Respondent was found to have a prior misdemeanor conviction for violating Vehicle Code section 23152(a): Driving under the influence of alcohol, in San Diego Municipal Court, Case No. T010268 on May 21, 1987. Respondent was sentenced to 24 months formal probation, 36 months summary probation, and was ordered to attend the multiple conviction program, among other conditions.

Conclusions of Law for Case No. 04-C-12498

6. The facts and circumstances surrounding Respondent's convictions, including his wilful violation of California Vehicle Code section 23152(b), do not involve moral turpitude but do involve other misconduct warranting discipline pursuant to Business and Professions Code, sections 6101 and 6102.

AGGRAVATING CIRCUMSTANCES:

PRIOR RECORD OF DISCIPLINE-

State Bar Cs. No.- 93-O-19141; Effective Dt. 1/15/97; Violations- ROP 4-100(A), 4-100(B)(4), 3-700(A)(1) & (A)(2), 3-700(D)(2), 3-110(A), B&P 6106, 6068(b), (i), (m), & (o)(3), 6103 ; Degree of Discipline- 18 mos. stayed suspension, Three years probation on condition of Nine mos. actual suspension

State Bar. Cs. No.- 97-N-11047; Effective Dt. 1/15/99; Violations- B&P 6103; Degree of Discipline- 2 years stayed suspension, 2 years probation on condition of Six months actual suspension

MITIGATING CIRCUMSTANCES:

CANDOR AND COOPERATION:

Respondent displayed spontaneous candor and cooperation with the State Bar during these proceedings.

NO HARM:

The fact and circumstances surrounding Respondent's offense were serious, but did not cause specific harm to the public or the courts. No misconduct toward a client was involved. (*In re Kelley* (1990) 52 Cal.3d 487, 498.)

REMORSE:

After the incident, Respondent met with a member of the Other Bar who is experienced in chemical dependency. Respondent then began regularly attending 12-step meetings, later adding other recovery activities recommended by the Lawyer Assistance Program ("LAP"). Respondent is viewed as a regular at AA meetings in his community.

GOOD CHARACTER:

Respondent has provided letters from five attorneys and one member of the general community who attest to his good character, including professionalism, willingness to help others, honesty, trustworthiness, integrity and responsibility. Respondent is a member of the Federal Criminal Justice Panel in San Diego where he is a respected member of that legal community. He represents defendants in high-profile and complex matters. He is often assigned to serious felonies, including those involving drug-related corruption and he was recently specially appointed to handle a large and dangerous Mexican drug cartel case. Respondent devotes about 90% of his practice to Federal Panel appointments.

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In the Matter of STEPHEN PATRICK WHITE MEMBER #125276	Case number(s): 04-C-12498
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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 Facts and Conclusions of Law.

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

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

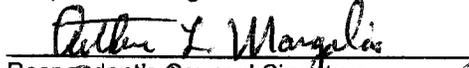
If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement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

8/29/07
Date


Respondent's Signature

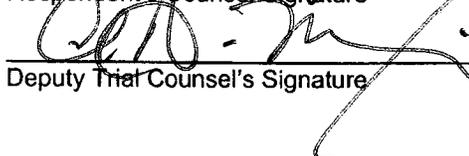
STEPHEN P. WHITE
Print Name

8/29/07
Date


Respondent's Counsel Signature

ARTHUR L. MARGOLIS
Print Name

8/27/07
Date


Deputy Trial Counsel's Signature

CHARLES A. MURRAY
Print Name

(Do not write above this line.)

In the Matter Of STEPHEN PATRICK WHITE MEMBER #125276	Case Number(s): 04-C-12498
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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.)

JAN 03, 2005
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 January 10, 2008, I deposited a true copy of the following document(s):

CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS; CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM; STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

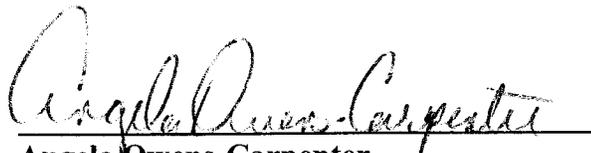
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ARTHUR MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DRIVE
LOS ANGELES CA 90039**

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

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 10, 2008**.


Angela Owens-Carpenter
Case Administrator
State Bar Court