



ORIGINAL
CONFIDENTIAL

(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

Counsel For The State Bar CHARLES A. MURRAY Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 Tel: (213)765-1236 Bar # 146069	Case Number (s) 05-C-03292	(for Court's use) <div align="right"> FILED OCT 26 2009 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div align="center"> LODGED APR 21 2008 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent GABRIEL S. GANOR 33 Eastwind Street, #B Venice, California 90292-5785 Tel: (310) 574-0686		
Bar # 189905 In the Matter Of: GABRIEL SCOTT GANOR Bar # 189905 A Member of the State Bar of California (Respondent)	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> 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 **October 10, 1997**.
- (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. ~~Alternative Discipline~~
- (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 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".

(Do not write above this line.)

- (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)] (see pages 6-7)
- (a) ☒ State Bar Court case # of prior case **04-N-10656 (S127584)**
- (b) ☒ Date prior discipline effective **December 17, 2004**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **California Business and Professions Code section 6103 and [former] rule 955(c) of the California Rules of Court.**
- (d) ☒ Degree of prior discipline **One year of actual suspension, two years of stayed suspension, and two years of probation.**
- (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below:

Effective March 27, 2004, in State Bar Court Case Numbers 02-PM-13465 (S100257, order dated February 26, 2004), Respondent was actually suspended for six months for violating the terms of his disciplinary probation relating to State Bar Court Case Numbers 99-C-10360 et al. (S100257, order dated October 31, 2001).

Effective January 11, 2004, in State Bar Court Case Number 00-C-12755 (S119285), Respondent was disciplined as a result of his felony conviction for violating California Penal Code section 4573, which involved moral turpitude. He was disciplined as follows: Three years of actual suspension, five years of stayed suspension, and five years of probation.

Effective November 30, 2001, in State Bar Court Case Number 99-C-10360 (S100257), Respondent was disciplined as a result of his misdemeanor conviction for violating California Penal Code section 166, subdivision (a)(4). He was disciplined as follows: 30 days of actual suspension, one years of stayed suspension, and two years of probation.

- (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.

(Do not write above this line.)

- (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:

None.

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 8)
- (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.
- (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.

(Do not write above this line.)

Additional mitigating circumstances:

Respondent displayed candor and cooperation with the State Bar during this disciplinary proceeding, by divulging to the State Bar and the State Bar Court the fact that he was previously convicted of driving under the influence once in 1991 and twice in 1993, and admitting that he knew his driver's license was suspended at the time of the underlying criminal matters and that his driving under the influence of alcohol posed a risk of danger to others.

//

ATTACHMENT TO

ADP STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: GABRIEL SCOTT GANOR, SB#189905

CASE NUMBER: 05-C-03292

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), is November 7, 2007.

PROCEDURAL HISTORY:

On November 17, 2006, the State Bar submitted to the Review Department of the State Bar Court ("Review Department") a Transmittal of Records of Conviction of Attorney for a Crime which may or may not involve moral turpitude or other misconduct warranting discipline In the Matter of Gabriel Scott Ganor, No. 189905 ("Respondent"), State Bar Court case no. 05-C-03292. This pleading brought before the Court the Respondent's conviction on March 29, 2006 in Los Angeles County Superior Court case no. 5WL01666 for violation of Vehicle Code section 23152(b) (Driving with Blood Alcohol Level of .08% or more), one count , a misdemeanor which may or may not involve moral turpitude or other misconduct warranting discipline; and Vehicle Code section 14601.5(a) (Driving with Suspended License), one count, a misdemeanor which may or may not involve moral turpitude.

On November 28, 2006 the Review Department filed and served an order which among other things referred Respondent's convictions to the hearing Department of the State Bar Court ("Hearing Department") for a determination limited to whether the facts and circumstances surrounding the offenses involved moral turpitude or other misconduct warranting discipline.

On January 4, 2007, the Hearing Department filed and served, among other things, a Notice of Hearing on Conviction pursuant to the referral order from the Review Department and applicable rules and provisions.

On March 13, 2007 the State Bar submitted to the Review Department a Supplemental Transmittal of Records of Conviction of Attorney in Respondent's conviction matter which included a Transmittal of Notice of Finality of Conviction which presented a complete docket certified on March 7, 2007 as proof that Respondent did not file an appeal within 60 days after his March 29, 2006 sentencing, showing finality of that matter.

On March 16, 2007 the Review Department augmented its November 17, 2006 referral order and directed the Hearing Department to recommend discipline to be imposed in the event it finds the facts and circumstances surrounding Respondent's offenses involved moral turpitude or other misconduct warranting discipline.

WAIVER OF FINALITY OF CONVICTION (rule 607):

Pursuant to the Rules of Procedure of the State Bar of California, rule 607 the parties stipulate that the Court may decide the issues as to the discipline to be imposed even if the criminal convictions discussed herein are not final.

Respondent waives finality of his conviction and consents to the State Bar Court's acceptance of this Stipulation as to facts and conclusions of law in all respects as if the conviction was final, including the entry of findings consistent with this Stipulation, imposition of discipline, or entry of a recommendation as to the degree of the discipline to be imposed.

Respondent waives any right to challenge on the basis of a lack of finality of his conviction the State Bar Court's recommendation of discipline, if any, and the actual imposition of discipline, if any, by the State Bar Court or the California Supreme Court.

Respondent further waives any right he may have to seek review or reconsideration on the basis of any relief he may receive as a result of any appeal of, or petition regarding, the criminal conviction underlying any recommendation of and/or actual imposition of discipline by the State Bar Court or the California Supreme Court.

STIPULATION AS TO 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, or has otherwise committed acts of misconduct warranting discipline, as follows:

Stipulated Facts - case no. 05-C-03292

1. Respondent was convicted of driving under the influence once in 1991 and twice more in 1993.
2. On May 25, 2006 in West Los Angeles, an on-duty law enforcement officer sitting in a parking lot, observed a vehicle pull out directly into the path of another vehicle. This caused the other vehicle to slow down within a car length of the offending vehicle. The officer followed the offending vehicle, later found to be driven by Respondent, after it rapidly accelerated past his location. Prior to being stopped by the officer, Respondent's vehicle was observed moving erratically and traveling at the speed of 45 mph in a 35 mph zone.
3. During the traffic stop the officer noticed that Respondent displayed objective symptoms of intoxication. After Respondent failed to pass field sobriety tests, he was given a PAS test which registered his blood/alcohol content at .107%.
4. The officer determined that Respondent was unable to safely drive a vehicle and that he may be driving under the influence. Respondent was arrested and transported to the Pacific police station, where he consented to breath tests which indicated a blood alcohol level of .11%.

5. At all times pertinent to these charges, Respondent knew that his driver's license was suspended.

6. On June 14, 2005, in Los Angeles County Superior Court Case Number 5WL01666, Respondent was charged with violating California Vehicle Code section 14601.5, subdivision (a), for driving while his driving privilege was suspended or revoked; section 23152, subdivision (a), for driving under the influence of alcohol; and section 23152, subdivision (b), for driving while having a blood alcohol concentration of 0.08 percent or more.

7. On March 29, 2006, Respondent pled nolo contendere to one count of violating California Vehicle Code section 14601.5, subdivision (a), a misdemeanor, for which he was convicted, and to one count of violating California Vehicle Code section 23152, subdivision (b), a misdemeanor, for which he was convicted. The court dismissed the section 23152, subdivision (a) charge.

8. On March 29, 2006, Respondent was sentenced, among other things, to 60 months of summary probation for the section 23152, subdivision (b) conviction, and 36 months of summary probation for the section 14601.5, subdivision (a) conviction.

Conclusions of Law.

The facts and circumstances surrounding Respondent's misdemeanor convictions for violating California Vehicle Code sections 14601.5, subdivision (a), and 23152, subdivision (b), do not involve moral turpitude but do constitute other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES:

Priors

Respondent was placed on interim suspension effective July 12, 2001, and for various reasons has not been entitled to practice since that time. His record of prior disciplinary action is:

FIRST PRIOR

On October 30, 2001, Respondent was actually suspended for 30 days by Supreme Court Order S100257 (State Bar Court Case Nos. 99-C-10360 and 00-C-14099). Respondent violated Penal Code § 166(a)(4) - contempt of court order/disobedience of court order. Respondent violated the terms of a restraining order regarding a neighbor.

SECOND PRIOR

On January 11, 2004, Respondent was actually suspended for 3 years and until a showing of compliance with the provisions of Standard 1.4(c)(ii) was met, with 5 years probation and a 5-year stayed suspension by Supreme Court Order S119285 (State Bar Court Case No. 00-C-12755). The underlying criminal offense was a felony violation of Penal Code section 4573 - bringing drugs into a jail (to wit: Respondent delivered to an inmate in jail 3 envelopes containing marijuana and methamphetamine). This was an act of moral turpitude.

THIRD PRIOR

On March 27, 2004, Respondent's probation was revoked and the stay on his suspension was lifted and Respondent was actually suspended for six months by Supreme Court Order S100257 (State Bar Court Case No. 02-PM-13465). Respondent failed to comply with the terms of his disciplinary probation (to wit: failure to submit quarterly reports; failure to attend Ethics School; and, failure to provide evidence of medical treatment).

Second and Third Priors -

Aggravating force of the third prior is diminished as the misconduct occurred during the same period as the misconduct in the second prior (In the Matter of Sklar (Review Dept. 1993 2 Cal. State Bar Ct. Rptr. 602). The parties acknowledged by stipulation (third prior) that it was an oversight that the misconduct involved in the third prior was not included in the second prior matter, and that it had been intended that the misconduct was to be resolved in one global settlement.

FOURTH PRIOR

On December 17, 2004, Respondent was actually suspended for one year with two years of probation and a period of stayed suspension of two years and until standard 1.4(c)(ii) was satisfied by Supreme Court Order S127584 (State Bar Court Case No. 04-N-10656). Respondent failed to comply with his Rule 955 (current rule 9.20) requirement (to wit: Respondent failed to timely file a declaration of compliance with rule 955 as ordered by the court).

MITIGATING CIRCUMSTANCES

Lack of Harm:

The facts 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.)

///
///
///

(Do not write above this line.)

In the Matter of
GABRIEL SCOTT GANOR
Member #189905

Case number(s):
05-C-03292

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.

12-3-2007
Date


Respondent's Signature

Gabriel S. Ganor
Print Name

Date

Respondent's Counsel Signature

Print Name

Date

Deputy Trial Counsel's Signature

Charles A. Murray
Print Name

(Do not write above this line.)

In the Matter of
GABRIEL SCOTT GANOR
Member #189905

Case number(s):
05-C-03292

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.

12-3-2007
Date


Respondent's Signature

Gabriel S. Ganor
Print Name

Date

12-3-2007
Date

Respondent's Counsel Signature


Deputy Trial Counsel's Signature

Print Name

Charles A. Murray
Print Name

(Do not write above this line.)

In the Matter Of GABRIEL SCOTT GANOR Member #189905	Case Number(s): 05-C-03292
--	--------------------------------------

ORDER

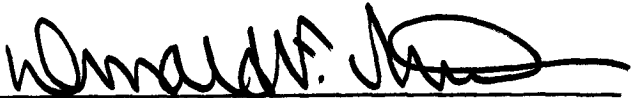
Finding the stipulation to be fair to the parties and that it adequately protects the public,
IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without
prejudice, and:

- ☒ 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.)

4/18/08

Date



Judge of the State Bar Court

DONALD F. MILES

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 21, 2008, I deposited a true copy of the following document(s):

**CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND
ORDERS**

**CONTRACT AND WAIVER FOR THE 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:

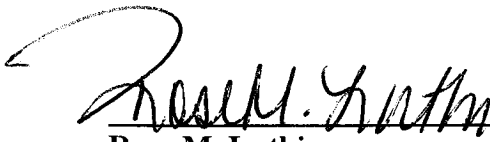
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**SUSAN LYNN MARGOLIS, ESQ.
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039**

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

CHARLES MURRAY, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **April 21, 2008**.



Rose M. Luthi
Case Administrator
State Bar Court