

ORIGINAL

State Bar Court of California
Hearing Department
Los Angeles

PUBLIC MATTER

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

<p>Counsel For The State Bar</p> <p>CHARLES A. MURRAY Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015</p> <p>Telephone: (213) 765-1236</p> <p>Bar # 146069</p>	<p>Case Number (s) 06-C-14062 06-C-13875</p>	<p>(for Court's use)</p> <p>CONFIDENTIAL</p> <p>LODGED</p> <p>MAR 13 2008 <i>YRC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>FILED</p> <p>SEP 29 2009 <i>YRC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>EARLY MARLOW HAWKINS 1901 Newport Blvd., Ste. 350 Costa Mesa, CA 92627</p> <p>Telephone: (949) 756-8525</p> <p>Bar # 119827</p>	<p>Submitted to: Program Judge</p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p>	
<p>In the Matter Of: EARLY MARLOW HAWKINS</p> <p>Bar # 119827</p> <p>A Member of the State Bar of California (Respondent)</p>	<p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **December 10, 1985**.
- (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 _____ 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.
- (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.
- (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.

Additional mitigating circumstances:

ATTACHMENT TO
ADP STIPULATION RE FACTS & CONCLUSIONS OF LAW

IN THE MATTER OF: **EARLY MARLOW HAWKINS (Respondent"); SB No. 119827**

CASE NUMBER: **06-C-14062 & 06-C-13875**

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was August 10, 2007.

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, conclusions of law and discipline 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 statues and/or Rules of Professional Conduct, or has otherwise committed acts of misconduct warranting discipline:

06-C-14062

FACTS AND CIRCUMSTANCES:

1. On November 25, 1997, Respondent was convicted for reckless driving after originally being charged with driving under the influence of alcohol. Respondent was placed on three years informal probation with conditions.
2. On January 6, 2004, Respondent was convicted of drunk driving for a March 18, 2003 incident. Respondent was placed on three years informal probation with conditions that included he not drive with a measurable amount of alcohol in his system and that he violate no laws [minor traffic laws excepted].
3. On October 2, 2005, Respondent was stopped by police after they observed the car he was driving on the 55 freeway in the Costa Mesa area of Orange County traveling at 75 miles per hour, drifting from side to side with his traffic lane, and also crossing over into the adjoining lane and back several times. When stopped, Respondent exhibited objective signs of intoxication, refused to perform field sobriety tests, and was arrested for drunk driving. Respondent agreed to submit to a chemical testing to determine the concentration of alcohol in his blood (BAC) and the

blood test was administered. His BAC tested at .08%. He was charged with misdemeanor drunk driving.

4. On April 14, 2006, a plea agreement was reached whereby the driving under the influence of alcohol charges were dismissed and Respondent pled guilty to and was convicted of reckless driving after consuming alcohol (a "wet reckless"). Respondent was placed on five years probation on conditions that included, among others: that he violate no laws (minor traffic violations excepted); and, that he not drive with a measurable amount of alcohol in his system.

5. The October 2, 2005 misconduct, resulting in the April 14, 2006 wet reckless conviction, was a violation of the court ordered terms of probation of his January 6, 2004 drunk driving conviction.

CONCLUSIONS OF LAW:

6. The facts and circumstances surrounding Respondent's conviction for wilfully violating Vehicle Code section 23103(a) pursuant to section 23103.5, reckless driving after consuming alcohol, do not involve moral turpitude but do involve other misconduct warranting discipline.

7. Respondent's reckless driving after consuming alcohol on October 2, 2005, was a violation of the criminal court's order for his January 6, 2004 drunk driving conviction, in wilful violation of Business and Professions Code section 6103.

06-C-13875

FACTS AND CIRCUMSTANCES:

8. On July 18, 2006, while traveling southbound on Newport Blvd. in Costa Mesa, California, Respondent hit the back of a van stopped at a red signal light. The van contained a female driver "the victim" and her two sons. After the impact, Respondent got out of his vehicle and approached the other vehicle to ask if the parties were alright. The victim told Respondent that they were sore and that she had called 911 for assistance. Respondent returned to his vehicle. The impact caused moderate damage to Respondent's front bumper, and minor damage to the victim's back bumper.

9. A party who heard the vehicle collision ("witness"), was at the scene and asked Respondent and the victims if they were ok. The witness asked if Respondent wanted him to call for help. Respondent told the witness to call if he wanted to. This witness described Respondent as walking around in a daze. The witness then saw Respondent remove a black bag from his crashed vehicle and start walking away from the accident scene.

10. During the investigation of the accident of one of the responding officers, he discovered through DMV records that Respondent's driver's license was suspended due to prior alcohol-related driving incidents (see above).

11. The victim and her sons complained of pain to the head and neck areas. Paramedics responded to the scene of the collision. On behalf of herself and her sons however, the victim declined further medical treatment or transportation to the hospital. She stated that she would follow up with her own doctor if needed.

12. After searching the surrounding area, the officers located Respondent walking near Newport Blvd and Vanguard Way, away from the accident scene. An officer drove the victim and the witness separately to where Respondent was detained. The victim and the witness each identified Respondent as the party involved in the collision.

13. While being interviewed by an officer, Respondent showed objective signs of being under the influence of alcohol. Respondent refused to answer most of the officer's questions and also refused to take field sobriety tests or a chemical test. Respondent admitted to the officer that he had one prior driving under the influence arrest, and that he was on probation. The officer also served Respondent with a notice of a previous license suspension. Respondent was arrested and booked at the Orange County jail. Respondent allowed his blood to be drawn. His blood alcohol content was determined to be .10%.

14. Original complaint: On August 22, 2006, a complaint was filed in Orange County Superior court case no. 06HF06838 consisting of four misdemeanor offenses in the above described incident for: Violations of Vehicle Code sections 23153(a) [driving under the influence with one prior], 23153(b) [driving with blood alcohol .08% or more causing bodily injury with one prior], 12500(a) [driving motor vehicle without a valid license], and 20001(a) [hit and run with injury].

15. Felony complaint: On September 1, 2006, a complaint was filed (under a new case no.) in Orange County Superior court case no. 06HF1763 consisting of two felony offenses for the same above described incident for (1) Violation of Vehicle Code section 23153(a) [driving under the influence of alcohol/drugs with two or more priors], and (2) Vehicle Code section 23153(b) [driving with blood alcohol .08% or more causing bodily injury with two or more priors], and two misdemeanor offenses: (3) Violation of Vehicle Code sections 12500(a) [driving motor vehicle without a valid license], and (4) Vehicle Code section 20001(a) [hit and run with injury]. The priors convictions alleged included the previously mentioned drunk driving and wet reckless convictions described above.

16. On May 18, 2007, Vehicle Code sections 23153(a) and (b) felony charges were reduced to misdemeanors pursuant to Penal Code section 17b, and count 4, (Vehicle Code section 20001(a), was dismissed on at the request of the People. Respondent pled guilty to misdemeanor violations of Vehicle Code sections 23153(a) [driving under the influence with one prior], 23153(b) [driving with blood alcohol .08% or more causing bodily injury with one prior], and 12500(a) [driving motor vehicle without a valid license].

17. In addition, on May 18, 2007, Respondent was sentenced to five (5) years informal probation, that included standard alcohol and probation conditions, among others, an 18 month Multiple Offender Alcohol Program, attendance at a MADD meeting, 180 days in jail, installation of Ignition Interlock Device (for five (5) years), and participation in the Lawyer's Assistance Program.

CONCLUSIONS OF LAW

18. The facts and circumstances surrounding Respondent's drunk driving causing a July 16, 2006 accident involving bodily injury and its resulting conviction - after previous alcohol-related driving convictions in 2004 and 2006, and while driving without a valid driver's license due to his previous DUIs - do not involve moral turpitude, but do constitute other misconduct warranting discipline.

19. Respondent's drunk driving causing the July 16, 2006 accident involving bodily injury and its resulting conviction - after previous alcohol-related driving convictions in 2004 and 2006; and while driving without a valid driver's license due to his previous DUIs - was a violation of the criminal court's orders for his January 6, 2004 drunk driving conviction and his April 14, 2006 wet reckless driving conviction, in wilful violation of Business and Professions Code section 6103.

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In the Matter of EARLY MARLOW HAWKINS State Bar No. 119827	Case number(s): 06-C-14062
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SIGNATURE OF THE PARTIES

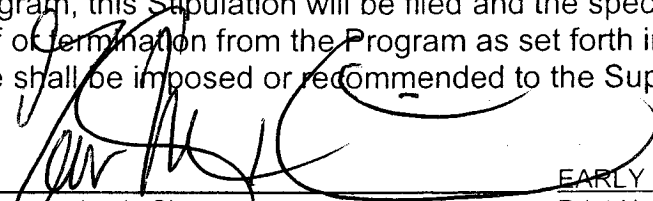
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

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.

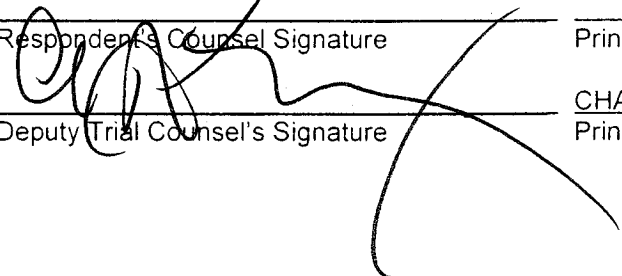
If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement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

8/13/07
Date


Respondent's Signature

EARLY MARLOW HAWKINS
Print Name

8/13/07
Date


Respondent's Counsel Signature

CHARLES A. MURRAY
Print Name

Deputy Trial Counsel's Signature

(Do not write above this line.)

In the Matter Of EARLY MARLOW HAWKINS State Bar No. 119827	Case Number(s): 06-C-14062
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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.)

3/13/08
Date

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 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 December 2, 2009, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS

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:

**EARLY MARLOW HAWKINS
EARLY M. HAWKINS, ATTORNEY AT LAW
3780 12TH ST
RIVERSIDE, CA 92501**

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

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 2, 2009.



Tammy Cleaver
Case Administrator
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 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 December 2, 2009, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS;

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:

**EARLY MARLOW HAWKINS
EARLY M. HAWKINS, ATTORNEY AT LAW
3780 12TH ST
RIVERSIDE, CA 92501**

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

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 2, 2009.



Tammy Cleaver
Case Administrator
State Bar Court