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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Joy Chantarasompoth Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1718 Bar # 222009	Case Number (s) 06-C-14973	(for Court's use) <div style="text-align: center;"> PUBLIC MATTER FILED <i>ADS</i> OCT 16 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
In Pro Per Respondent Jason R. Walsh 3631 Tenth Street, Suite 218 Riverside, CA 92501 Bar # 158471	Submitted to: Settlement Judge	
In the Matter Of: Jason R. Walsh Bar # 158471 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <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 **June 8, 1992**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (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." The stipulation consists of **11** pages, not including 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) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



- (7) 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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - case ineligible for costs (private reproof)
 - costs to be paid in equal amounts for the following membership years: **Costs to be paid in equal amounts prior to February 1st for the following two (2) billing cycles following the effective date of the California Supreme Court order. (Hawes v. State Bar (1990) 51. Cal.3d 587, 596.)**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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 or a separate attachment entitled "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. **Respondent continued to drive under the influence of alcohol even after his first DUI conviction, which demonstrates his indifference to the law and the safety of the public.**
- (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:

See page 9.

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
 - (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
 - (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **three (3) years**.
- (2) During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reprobation.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.
- No MPRE recommended. Reason: **Not required for the protect the public or rehabilitaton of the attorney. (See In the Matter of Respondent Z (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 85.)**
- (11) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

Respondent understands and agrees to the following evaluation and treatment conditions:

1. Respondent has, with the assistance and approval of the Office of the Chief Trial Counsel, selected a medical doctor certified by the American Society of Addiction Medicine (ASAM) for the purpose of submitting to a substance abuse evaluation (Evaluation). The doctor's name is Ihor Galarnyk and the doctor can be contacted at (760) 341-8341, 4270 Bob Hope Drive, Suite 308, Rancho Mirage, CA 92270-7161.

2. Within 45 days of signing this stipulation, Respondent shall provide a complete copy of this stipulation to the approved ASAM certified medical doctor and all treatment providers.

Within 30 days of the effective date of this discipline, Respondent shall provide to the Office of Probation an original, signed declaration from the ASAM certified medical doctor and all treatment providers acknowledging receipt of a complete copy of this stipulation.

3. Within 45 days of signing this stipulation, Respondent shall execute all necessary waivers of confidentiality with the approved ASAM certified medical doctor as well as any treatment providers, including drug testing facilities.

Within 30 days of the effective date of this discipline, Respondent shall provide to the Office of Probation a copy of the waiver provided to the ASAM certified medical doctor as well as all other treatment providers, including drug testing facilities. Also within 30 days of the effective date of this discipline, Respondent shall provide to the Office of Probation an original, signed declaration from the ASAM certified medical doctor as well as all other treatment providers, including drug testing facilities, acknowledging receipt of the waiver.

4. Within 30 days of the effective date of this discipline, Respondent is to undergo an Evaluation with the ASAM certified medical doctor. The evaluation will be for the purposes of (a) determining whether Respondent has a substance abuse or addiction problem, (b) setting treatment conditions Respondent is to undertake as a result of the Evaluation, if any, and (c) obtaining a written report from the evaluating physician. Respondent shall bear all costs of the Evaluation, the resulting report, and any treatment conditions recommended by the evaluator. Respondent understands that his treatment conditions may change if his treatment providers deem it necessary, and that he is to bear the cost of such treatment, which in some cases could include in-patient treatment. Respondent understands that (a) the treatment conditions, if any, shall become part of his probation requirements, (b) he must provide the Office of Probation with any proof of treatment compliance or waiver requested by the Office of Probation, and (c) any violation of the treatment conditions is a violation of the probation requirements.

Within 60 days of the effective date of this discipline, Respondent is to provide a copy of the ASAM certified medical doctor's written report to the Office of Probation.

Within 10 days of any change in treatment condition, Respondent is to provide written notice to the Office of Probation specifically setting forth the changes. With that written notice, Respondent is to provide an original, signed declaration from the ASAM certified medical doctor acknowledging receipt of the written notice and agreement with its accuracy.

Respondent shall report compliance with the treatment conditions by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to the discipline in this matter.

Respondent shall have his ASAM certified medical doctor submit to the Office of Probation an original, signed declaration that Respondent is in compliance with the treatment of conditions by each January 10, April 10, July 10, and October 10 covered by this discipline. Respondent understands that the declarations and reports may be shared with the Office of the Chief Trial Counsel and the State Bar Court.

5. Respondent understands that treatment conditions associated with other issues or entities, such as a criminal probation, may not satisfy treatment conditions required by this section.

6. If treatment providers are added or changed, Respondent must notify the Office of Probation of the name, address, and telephone number of all such treatment providers within ten days of the retaining of each one. Within 30 days of retaining each such treatment provider, Respondent must provide to the Office of Probation an original signed declaration from the treatment provider stating that it received a complete copy of this stipulation. Also within 30 days of retaining each such treatment provider, Respondent must provide to the Office of Probation an executed waiver of confidentiality as well as an original, signed declaration from the treatment providers acknowledging receipt of the waiver.

7. Respondent has been informed of the existence and nature of the State Bar's Lawyer Assistance Program and of the State Bar Court's Alternative Discipline Program, and Respondent has specifically declined to seek entry into either.

Failure to comply with any of these conditions shall be a violation of the terms of this reproof.

Attachment language (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Jason R. Walsh

CASE NUMBER(S): 06-C-14973

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notice of Disciplinary Charges filed on June 4, 2007 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW

Facts

1. In 1999, Respondent was convicted of a misdemeanor for driving under the influence of alcohol ("DUI") in violation of Vehicle Code Section 23152(a).
2. In 2007, Respondent was convicted again of the same offense. This time, however, Respondent's BAC was in excess of .15%, as he was charged with an enhancement pursuant to Vehicle Code section 23578.
3. The conviction resulted after Respondent had been involved in an injury accident with another vehicle on September 1, 2006. The other driver, Steven Barber, had been traveling South on Iowa Avenue in Riverside and attempted to make an illegal U-turn on the right hand of the roadway. As Barber was half way through his turn, Respondent struck his car. Respondent was traveling South on Iowa Avenue. Both were driving under the influence of alcohol. Barber complained of chest pains, and Respondent had cuts on his face and right knee.
4. When Officer Anthony Siracusa of the Riverside Police Dept. arrived at the scene of the accident, Respondent and Barber were already being transported to the hospital. Upon searching Respondent's vehicle, a 2004 Mercedes Benz, Officer Siracusa reported that he found an open container of "Red Stripe," an alcoholic beverage, in the center console of Respondent's car. Officer Siracusa also found a black semi-automatic handgun, in an open grey gun case, in the trunk of Respondent's car. A record check of the handgun's serial number (26-039408) returned no record on file.
5. At the hospital, Officer Siracusa spoke to Respondent and detected symptoms of intoxication. The

police officer reported that Respondent had an odor of alcohol emitting from his breath and body, blood shot watery eyes and slurred speech. When Officer Siracusa asked Respondent what he had been drinking, Respondent stated that he had only one 12 oz. Coors Light beer—making no mention of the Red Stripe.

6. When Respondent told Officer Siracusa that he had consumed only one beer, he clearly misrepresented the true facts, as it would not be possible for an adult male of Respondent's size to reach a BAC of .15% after consuming only one beer. Further, Respondent also apparently claimed to Officer Siracusa that he did not know or recall the location where he had been drinking. By so doing, Respondent may have been attempting to prevent Officer Siracusa from investigating Respondent's true alcoholic consumption that evening.

Conclusions of Law

7. The facts and circumstances surrounding Respondent's conviction do not involve moral turpitude but do involve other misconduct warranting discipline pursuant to Business and Professions Code sections 6101 and 6102.

MITIGATING CIRCUMSTANCES

No Prior Record of Discipline

Although the misconduct herein is serious, Respondent has no prior record of discipline since being admitted to the practice of law on June 8, 1992 and is entitled to significant mitigation. (*Hawes v. State Bar* (1990) 51. Cal.3d 587, 596.)

AUTHORITIES SUPPORTING DISCIPLINE

Standards For Attorney Sanctions For Professional Misconduct.

Standard 3.4 states, "Final conviction of a member of a crime which does not involve moral turpitude inherently or in the facts and circumstances surrounding the crime's commission but which does involve other misconduct warranting discipline shall result in a sanction as prescribed under part B if these standards appropriate to the nature and extent of the misconduct found to have been committed by the member."

Standard 2.6, subdivision (a), under part B of the standards, provides that culpability of a member of violation of Business and Professions Code section 6068 shall result in disbarment or suspension depending on the gravity of the offense or harm. Respondent has violated Business and Professions Code section 6068, subdivision (a), by failing to support the laws of California.

Case Law

In re Kelley (1990) 52 Cal.3d 487 (hereafter "*Kelley*") is particularly relevant. The California Supreme Court ordered that an attorney who had been twice convicted of driving with a blood-alcohol level exceeding 0.10 percent be publicly reprovved. (See *id.* at p. 490.) The attorney in *Kelley* pled nolo contendere to driving with a blood-alcohol level in excess of 0.10 percent. (See *id.* at p. 377.) The

court sentenced her to 48 hours in jail and placed her on probation for 36 months, including conditions that she obey all laws and enroll in an alcohol abuse program. (See *id.*) Then in November 1986, during the attorney's probationary period for the first offense, she was charged again for driving under the influence of alcohol and violating the conditions of her probation. (See *id.* at p.p. 378 & 379.) The California Supreme Court agreed with the review department's conclusion that while the attorney's actions did not involve moral turpitude, they did involve other misconduct warranting discipline (See *id.* at p. 492.) The Supreme Court stated that while "it is true that [the attorney's] misconduct caused no harm to her clients, this fact alone does not insulate her from discipline aimed at ensuring that her potentially harmful misconduct does not recur." (See *id.* at p. 496.) The Supreme Court noted that nexus is established in two ways. First, the attorney's second conviction was in violation of a court order and she demonstrated a complete disregard for the conditions of her probation, the law, and the safety of the public. (See *id.* at p. 495.) Second, the attorney's repeated criminal conduct and the circumstances surrounding it are indications of alcohol abuse and it cannot sit back and wait until the attorney's alcohol abuse problem begins affecting her practice of law. (See *id.*)

ESTIMATE OF COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of September 17, 2007, the estimated prosecution costs in this matter are approximately \$2296.00. Respondent acknowledges that this figure is an estimate only. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6068.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(7) was October 3, 2007.

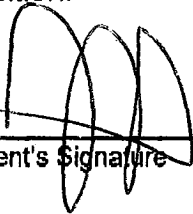
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In the Matter of Jason R. Walsh	Case number(s): 06-C-14973
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SIGNATURE OF THE PARTIES

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 Fact, Conclusions of Law and Disposition.

10-4-07
Date


Respondent's Signature

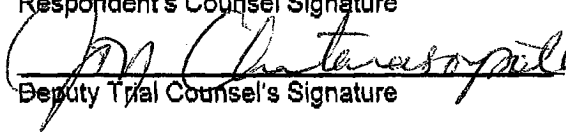
Jason R. Walsh
Print Name

Date

Respondent's Counsel Signature

Print Name

10-9-07
Date


Deputy Trial Counsel's Signature

Joy Chanterarasompoth
Print Name

(Do not write above this line.)

In the Matter Of Jason R. Walsh	Case Number(s): 06-C-14973
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ORDER

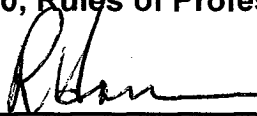
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- 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. (See rule 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

10/11/07
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 San Francisco, on October 16, 2007, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

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

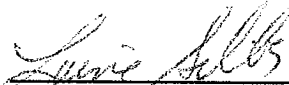
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JASON R. WALSH
3631 10TH ST #218
RIVERSIDE, CA 92501**

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

JOY CHANTARASOMPOTH, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **October 16, 2007.**



Laine Silber
Case Administrator
State Bar Court