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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  Michael J. Glass Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1254  Bar # 102700	Case Number(s): 09-C-11825 09-O-17497 (Inv.) 10-H-11206  <p style="text-align: center; font-size: 1.2em;"><b>PUBLIC MATTER</b></p>	For Court use only  <p style="font-size: 1.5em;"><b>FILED</b></p> <p style="font-size: 1.2em;"><b>MAR 22 2011</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
In Pro Per Respondent  Jason R. Walsh 3991 Locust Street Riverside, CA 92501 (951) 897-0843  Bar # 158471	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Jason R. Walsh  Bar # 158471  A Member of the State Bar of California (Respondent)		

**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 16 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):
  - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: prior to February 1 in three billing cycles following the effective date of discipline. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**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 08-H-11721 (\$178384).
  - (b)  Date prior discipline effective March 24, 2010
  - (c)  Rules of Professional Conduct/ State Bar Act violations: rule 1-110
  - (d)  Degree of prior discipline Two year stayed suspension, with a one year actual suspension and until Respondent complies with rule 205.
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.

(a) Case No. 06-C-14973; (b) November 6, 2007; (c) Business and Professions Code section 6068(a), Vehicle Code section 23152(a); (d) Public Reprimand;
- (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 Attachment Page 4.
- (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 Attachment Page 4.

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of three (3) years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of three (3) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of two (2) years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, 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 period of probation. 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 probation during the preceding calendar quarter. Respondent must also state 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 days, that report must be submitted on the next 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 period of probation and no later than the last day of probation.

- (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 to the monitor 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 probation 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 probation conditions.
- (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)  The following conditions are attached hereto and incorporated:
  - Substance Abuse Conditions                       Law Office Management Conditions
  - Medical Conditions                                       Financial Conditions

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

**further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:** See Attachment Page 5, re Substance Abuse Conditions.

In the Matter of  
**JASON ROBERT WALSH**  
 Member # **158471**  
 A Member of the State Bar

Case Number(s):  
 09-C-11825; 09-O-17497 (Inv.); 10-H-11206

**Financial Conditions**

**a. Restitution**

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Alan Mitchell	\$1,000.00	July 23, 2009

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than \_\_\_\_\_.

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Alan Mitchell	\$100.00 per month on the first day of each month, beginning the month following the effective date of discipline.	Minimum payment of \$100.00 per month must be made on the first day of each month, beginning the month following the effective date of discipline.

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

In the Matter of  
**JASON ROBERT WALSH**  
Member # **158471**  
A Member of the State Bar

Case Number(s):  
09-C-11825; 09-O-17497 (Inv.); 10-H-11206

**c. Client Funds Certificate**

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent as maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
  - b. Respondent has kept and maintained the following:
    - i. A written ledger for each client on whose behalf funds are held that sets forth:
      - 1. the name of such client;
      - 2. the date, amount and source of all funds received on behalf of such client;
      - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and
      - 4. the current balance for such client.
    - ii. A written journal for each client trust fund account that sets forth:
      - 1. the name of such account;
      - 2. the date, amount and client affected by each debit and credit; and
      - 3. the current balance in such account.
    - iii. All bank statements and cancelled checks for each client trust account; and
    - iv. Each monthly reconciliation (balancing) of (i), (ii), and (iii) above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii) above, the reasons for the differences.
  - c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
    - i. each item of security and property held;
    - ii. the person on whose behalf the security or property is held;
    - iii. the date of receipt of the security or property;
    - iv. the date of distribution of the security or property; and
    - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.



**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

<b>IN THE MATTER OF:</b>	<b>JASON ROBERT WALSH</b>
<b>CASE NUMBER(S):</b>	09-C-11825; 09-O-17497 (Inv.); 10-H-11206

**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.

Case No. 09-C-11825 (Conviction Proceedings)

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On May 21, 2010, Respondent was convicted of violating Penal Code section 12280(b) (Possession of Assault Weapon), a misdemeanor; Health and Safety Code section 11377(a) (Possession of a Controlled Substance-Methamphetamine), a misdemeanor; Health and Safety Code section 11357(b) (Possession of Marijuana, Not More than 28.5 grams), a misdemeanor; and Health and Safety Code section 11550(a) (Under the Influence of a Controlled Substance), a misdemeanor.
3. On September 22, 2010, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: For a hearing and decision recommending the discipline to be imposed in the event that the hearing department finds that the facts and circumstances surrounding the misdemeanor violations of Penal Code section 12280(b) (Possession of Assault Weapon); Health and Safety Code section 11377(a) (Possession of a Controlled Substance-Methamphetamine); Health and Safety Code section 11357(b) (Possession of Marijuana, Not More than 28.5 grams); and Health and Safety Code section 11550(a) (Under the Influence of a Controlled Substance) of which Jason Robert Walsh was convicted, involved moral turpitude or other misconduct warranting discipline.
4. In the underlying matter, on March 6, 2009, pursuant to a search warrant of Respondent's premises, located at 2581 Laramie Road, Riverside, CA 92506, Detective O'Boyle of the Riverside Police Department discovered an unregistered Eagle Arms Model EA15, AR-15 Assault Rifle and some marijuana. Officer Levesque of the Riverside Police Department discovered a substance which was suspected to be and field tests later confirmed was methamphetamine. Detective O'Boyle also noted that Respondent displayed symptoms of stimulant drug use.

5. On March 6, 2009, Respondent was arrested and booked for violating Penal Code section 12280(b) (Possession of Unregistered Assault Weapon), Health and Safety Code section 11377(a) (Possession of Methamphetamine), Health and Safety Code section 11357(b) (Possession of Marijuana), Health and Safety Code section 11550(a) (Under the Influence of a Controlled Substance), and Health and Safety Code section 11364 (Possession of Drug Paraphernalia).

6. On or about March 24, 2009, a Felony Complaint was filed charging Respondent with the following violatons: Count 1-Penal Code section 12280(b) (Possession of Assault Weapon), a felony; Count 2-Health and Safety Code section 11377(a) (Possession of a Controlled Substance-Methamphetamine), a felony; Count 3-Health and Safety Code section 11550(a) (Under the Influence of a Controlled Substance), a misdemeanor; and Count 4-Health and Safety Code section 11357(b) (Possession of Marijuana-Not More Than 28.5 grams), a misdemeanor.

7. On May 21, 2010, as part of a plea bargain, Counts 1 and 2 of the Felony Complaint were reduced to misdemeanors. Respondent then plead guilty to Counts 1, 2, 3, and 4.

8. On May 21, 2010, imposition of sentence was suspended and Respondent received 210 days in custody of the Riverside County Sheriff with credit for one day time served; enrollment and completion of the Leaders in Community Program; abstain from use of alcohol, not associate with any unrelated person known to be a possessor, user, trafficker of controlled substances nor unrelated person on probation or parole; not possess, use, have in his control any controlled substances, drug related paraphernalia unless medically prescribed, completion of a Rehabilitation/Treatment Program, payment of fines and fees, and various other conditions.

#### CONCLUSIONS OF LAW:

9. By being convicted of violating Penal Code section 12280(b) (Possession of Assault Weapon), a misdemeanor; Health and Safety Code section 11377(a)(Possession of a Controlled Substance-Methamphetamine), a misdemeanor; Health and Safety Code section 11357(b)(Possession of Marijuana, Not More than 28.5 grams), a misdemeanor; and Health and Safety Code section 11550(a)(Under the Influence of a Controlled Substance), a misdemeanor, Respondent wilfully violated a law of this state in violation of Business and Professions Code section 6068(a).

10. Respondent's conviction for violating Penal Code section 12280(b) (Possession of Assault Weapon), a misdemeanor; Health and Safety Code section 11377(a)(Possession of a Controlled Substance-Methamphetamine), a misdemeanor; Health and Safety Code section 11357(b)(Possession of Marijuana, Not More than 28.5 grams), a misdemeanor; and Health and Safety Code section 11550(a)(Under the Influence of a Controlled Substance), a misdemeanor, also constitutes conviction of a crime involving other misconduct warranting discipline.

Case No. 09-O-17497(Inv.) (Complainant: Alan Mitchell)

**FACTS:**

1. On June 25, 2009, Mr. Allan Mitchell ("Mitchell") employed Respondent to represent Mitchell in a criminal matter. Mitchell paid Respondent \$1,000.00 in attorneys fees. Respondent also agreed to appear with Mitchell at a scheduled court appearance on July 8, 2009
2. On July 8, 2009, Respondent did not appear in court with Mitchell. The July 8, 2009, court hearing was continued until July 23, 2009. Respondent also did not appear in court with Mitchell on July 23, 2009.
3. On or about July 23, 2009, Mitchell requested a refund of the \$1,000.00 in attorneys fees from Respondent. Respondent did not provide Mitchell with a refund.

**CONCLUSIONS OF LAW:**

4. By not refunding unearned fees in the amount of \$1,000.00 to Mitchell, Respondent wilfully failed to promptly refund any part of a fee paid in advance that had not been earned in violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was March 9, 2011.

**DISMISSALS**

The parties also respectfully request that the Court dismiss the following matter in the interest of justice:

**Case No.**

10-H-11206

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 9, 2011, the prosecution costs in this matter are \$5,589.00. 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.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 3.4 provides that “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 of these standards appropriate to the nature and extent of the misconduct found to have been committed by the member.”

*In the Matter of Carr* (1992) 2 Cal. State Bar Ct. Rptr. 108-Respondent received three criminal convictions, not involving moral turpitude, consisting of an August 1985 conviction for driving with a suspended license due to a prior DUI conviction, a January 1986 conviction for being under the influence of PCP, and an August 1986 conviction for driving with knowledge of a suspended license. The Review Department recommended discipline consisting of a 2 year stayed suspension, 2 years probation with conditions including a 6 month actual suspension and until Respondent complies with standard 1.4(c)(ii). In aggravation, Respondent had a record of prior discipline, including a 1984 actual suspension of 60 days for two drug convictions in 1981 and 1982, a probation revocation in 1986, six months actual suspension until 1.4(c)(ii) hearing in 1988 for two DUI convictions in 1983 and 1984. Respondent had been under continuous suspension for five years. In mitigation, Respondent had not had any arrests since 1986 to the time of the State Bar hearing in 1989, had a valid driver’s license at that time, and had completed a chemical dependency program.

In the instant case, the misconduct by Respondent Walsh is more egregious than that of the Respondent *in In the Matter of Carr, id.*, and therefore discipline consisting of a three year stayed suspension, three years probation with conditions, including a two year actual suspension and until Respondent complies with standard 1.4(c)(ii) is appropriate.

## **AGGRAVATING CIRCUMSTANCES**

### **FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES**

Under standard 1.2(b)(ii), Respondent’s current misconduct evidences multiple acts of wrongdoing as indicated above in Case Nos. 09-C-11825 and 09-O-17497(Inv.).

## **MITIGATING CIRCUMSTANCES**

### **ADDITIONAL MITIGATING CIRCUMSTANCES**

Respondent has participated in The Other Bar from March 2010 through the present. Respondent acknowledges that he has a substance abuse problem.

## **OTHER CONDITIONS NEGOTIATED BY THE PARTIES**

### **SUBSTANCE ABUSE CONDITIONS**

#### **Abstinence:**

Respondent shall abstain from use of any alcoholic beverages, and shall not consume or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

#### **Reporting Abstinence:**

Respondent shall report his compliance with this condition (i.e. Abstinence) by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this order.

#### **Submit to Examination:**

Within thirty (30) days of the effective date of the discipline in this matter, if Respondent has not already done so, Respondent shall submit to a medical examination by a doctor certified by the American Society of Addiction Medicine, to be mutually agreed upon by Respondent and the State Bar or as ordered by the Court ("Doctor"). The Doctor shall conduct an evaluation and issue a report to the Office of Probation and include/address the following:

1. Provide an evaluation, pursuant to DSM-IV-TR, to determine a diagnosis, if any, of Respondent's condition regarding alcohol;

The evaluation may include the performance of standardized tests in oral or written form; interviews with Respondent; review of records relating to his medical condition, criminal proceedings, criminal probation records, State Bar disciplinary records, alcohol treatment or recovery records; and other information provided by the State Bar and/or Respondent.

No physically invasive procedures may be performed without prior consent of Respondent or upon a court order. The Doctor will advise Respondent and/or the State Bar if any physically invasive procedure is required.

2. For any condition regarding alcohol which is diagnosed by the Doctor a determination should be made as to whether the Doctor recommends any treatment to address that condition, and the Doctor should state in specific terms the Doctors' recommendations for how Respondent should be tested, monitored, and/or treated.

**Compliance with Recommended Treatment:**

Respondent shall comply with all treatment conditions recommended by the Doctor, either as originally set forth or as may be modified thereafter.

Respondent shall report his compliance with these conditions by statement under penalty of perjury in each written quarterly report to the Office of Probation and he shall provide such satisfactory proof of his compliance as the Office of Probation may request.

**Random Blood/Urine Tests:**

Respondent must select a licensed medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.

Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. The Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.

**Consent for Release of Treatment and Recovery Information:**

Respondent shall provide a written consent to all alcohol or drug recovery or treatment providers, including testing facilities, who provide services as identified in these Substance Abuse Conditions to release information to the Office of Probation regarding his treatment, compliance, and status.

**Copy of this Stipulation to all Treatment Providers:**

Within thirty (30) days of the effective date of discipline in this matter, Respondent shall deliver a copy of this stipulation to all treatment providers who provide services to him described in these Substance Abuse Conditions.

**Reporting Consent and Delivery of Stipulation:**

Respondent shall report his compliance with the condition of providing consent to release treatment and recovery information and his delivering of this Stipulation to treatment providers, by statement under penalty of perjury in each written quarterly report to the Office of Probation required

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pursuant to this order and he shall provide to the Office of Probation satisfactory proof of his compliance if requested.

**Costs are Responsibility of Respondent:**

Respondent shall be responsible for the prompt and timely payment of all costs associated with these Substance Abuse Conditions, including, without limitation, the cost of examination(s), testing, treatment, or therapy, and any all other costs related to these Substance Abuse Conditions.

**Modification of Conditions:**

Modification of these conditions shall be pursuant to the Rules of Procedure of the State Bar of California, rule 550 et seq.





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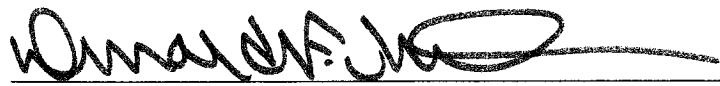
In the Matter of: Jason R. Walsh	Case Number(s): 09-C-11825; 09-O-17497(Inv.); 10-H-11206
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### ACTUAL SUSPENSION ORDER

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 stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates 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 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date 3/18/11   
Judge of the State Bar Court

**DONALD F. MILES**

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); 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 March 22, 2011, 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 Los Angeles, California, addressed as follows:

KIMBERLY ALLYSON HANSEN  
STOCKWELL HARRIS WOOLVERTON & MUEHL  
701 S PARKER ST STE 2200  
ORANGE, CA 92868

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

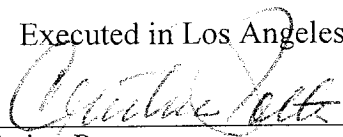
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Michael John Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 22, 2011.

  
\_\_\_\_\_  
Cristina Potter  
Case Administrator  
State Bar Court