

(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>DISBARMENT</b>		<b>PUBLIC MATTER</b>
<p>Counsel For The State Bar</p> <p>BRANDON K. TADY Deputy Trial Counsel Office of The Chief Trial Counsel 1149 South Hill Street Los Angeles, California 90015</p> <p>Bar # 83045</p>	<p>Case Number(s): 09-N-12617-PEM 08-C-14856</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.2em;"><b>FILED</b></p> <p style="text-align: center;">JUL 27 2012 </p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center;">kwiktag * 152 140 330</p> 
<p>In Pro Per Respondent</p> <p>WADE R. SANDERS 1720 Whaley Avenue San Diego, California 92104</p> <p>Bar # 58212</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p><b>DISBARMENT</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: WADE R. SANDERS</p> <p>Bar # 58212</p> <p>A Member of the State Bar of California (Respondent)</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 18, 1973.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) 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."



(Do not write above this line.)

---

- (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 to be awarded to the State Bar.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:  
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

**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**
- (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. See Stipulation Attachment
- (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. See Stipulation Attachment.
- (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. See Stipulation Attachment.
- (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. See Stipulation Attachment.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(Do not write above this line.)

---

(13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

None.

(Do not write above this line.)

---

**D. Discipline:        Disbarment.**

**E. Additional Requirements:**

- (1) **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.
  
- (2)  **Restitution:** Respondent must make restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_. If the Client Security Fund has reimbursed \_\_\_\_\_ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than \_\_\_\_\_ days from the effective date of the Supreme Court order in this case.
  
- (3)  **Other:**



## CONCLUSION OF LAW:

The facts and circumstances surrounding the offense leading to his conviction of one count of violating Title 18, United States Code, section 2252 A (a) (4) (B) involved moral turpitude.

Case No. 09-N-12617-PEM

## STATEMENT OF FACTS.

8. On February 23, 2009, the Review Department of the State Bar Court ordered that Respondent be suspended from the practice of law effective March 13, 2009 as a result of his conviction for violating Title 18 United States Code, section 2252 A (a) (4) (B). The Review Department ordered Respondent to comply with California Rules of Court ("CRC"), rule 9.20 and perform the acts specified in subdivisions (a) and (c) of that rule with 30 and 40 days respectively after the effective date of his suspension.

9. On March 9, 2009, the State Bar's Office of Probation sent Respondent a letter informing him that he must file his Rule 9.20 Compliance Declaration with the Review Department by April 22, 2009. Respondent received this letter.

10. On April 22, 2009, Respondent filed his Compliance Declaration.

11. On April 22, 2009, the Office of Probation rejected Respondent's Compliance Declaration because it was not properly completed.

12. On April 27, 2009, the Office of Probation sent Respondent a letter informing him that it rejected his Rule 9.20 Compliance Declaration because it was not properly completed. Respondent received the letter. The letter instructed Respondent to promptly re-file the Compliance Declaration.

13. By May 22, 2009, Respondent had not yet filed a new Compliance Declaration.

14. On January 27, 2012, Respondent filed a second Compliance Declaration.

15. On February 2, 2012, the Office of Probation accepted Respondent's second Compliance Declaration.

## CONCLUSION OF LAW:

By failing to file a proper Declaration of Compliance with CRC, Rule 9.20 as required by the Review Department's Order dated February 23, 2009, Respondent willfully violated subdivision (c) of Rule 9.20, California Rules of Court.

## AGGRAVATING CIRCUMSTANCES.

Harm: Respondent was convicted of violating Title 18, United States Code, section 2252 A (a) (4) (B), possession of Images of Minors Engaged In Sexually Explicit Conduct. Respondent's misconduct harmed the minors depicted in the images that Respondent possessed. Respondent's possession of

images of minors engaged in sexually explicit conduct contributed support to an industry that sexually exploits and degrades children.

#### **MITIGATING CIRCUMSTANCES.**

**Absence of Any Prior Record of Discipline:** Respondent was admitted to practice law on December 18, 1973. He does not have a prior record of discipline over many years of practice.

**Spontaneous Candor And Cooperation:** Prior to Respondent's being charged with violating Title 18, United States Code, section 2252 A (a) (4) (B), he met with prosecutors and cooperated with them. He was given credit for candor and cooperation as part of his Plea Agreement. In this proceeding, Respondent cooperated with the State Bar including entering into this Stipulation for Disbarment.

**Good Character:** As a part of Respondent's evidence regarding sentencing for his conviction of Possession of Images of Minors Engaged In Sexually Explicit Conduct, Respondent submitted 80 letters of recommendation to the Court, including a letter from United States Senator John Kerry, attesting to his good character. Respondent was prepared to call at least 60 of these good character witnesses at the trial of this matter.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A (7), was June 14, 2012.

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 3.2 provides that final conviction of a crime involving moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission shall result in disbarment. Only if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed.

In the present proceeding, Respondent does not contest that the facts and circumstances surrounding the commission of the offense of which Respondent was convicted involve moral turpitude because he possessed over 600 visual depictions of minors engaged in sexually explicit conduct. Respondent also does not contest that his evidence of mitigating circumstances is not the most compelling mitigation that clearly predominates.

#### **DISMISSALS.**

None.

#### **WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.**

The parties waive any variance between the Notice of Disciplinary Charges in State Bar Court case number 09-N-12617 filed on January 29, 2012 and the facts contained in this Stipulation. Additionally, the parties waive the issuance of amended Notices of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the Notices of Disciplinary Charges.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 11, 2011, the prosecution costs in this matter are \$ 5221.00. 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.

(Do not write above this line.)

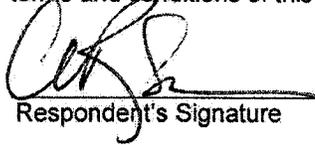
In the Matter of: WADE SANDERS	Case number(s): 09-N-12617-PEM, 08-C-14856-PEM
-----------------------------------	---------------------------------------------------

### 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, Conclusions of Law, and Disposition.

JUNE <sup>2</sup>, 2012

Date

  
Respondent's Signature

WADE R. SANDERS

Print Name

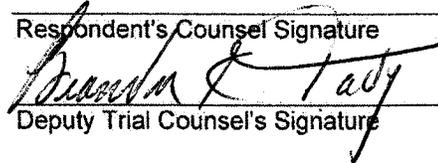
Date

JUNE <sup>22</sup>, 2012

Date

Respondent's Counsel Signature

Deputy Trial Counsel's Signature



Print Name

BRANDON K. TADY

Print Name

(Do not write above this line.)

In the Matter of: WADE SANDERS	Case number(s): 09-N-12617-PEM, 08-C-14856-PEM
-----------------------------------	---------------------------------------------------

**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, Conclusions of Law, and Disposition.

JUNE <sup>20</sup>, 2012  
Date

  
Respondent's Signature

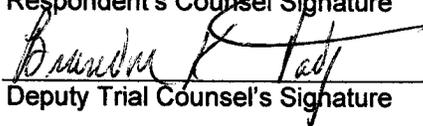
WADE R. SANDERS  
Print Name

Date

Respondent's Counsel Signature

Print Name

JUNE 21 2012  
Date

  
Deputy Trial Counsel's Signature

BRANDON K. TADY  
Print Name

(Do not write above this line.)

In the Matter of  
**WADE R. SANDERS**

Case Number(s):  
**09-N-12617, 08-C-14856**

### 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.

**At paragraph C(1) on page 3, delete the "x" in the box and the reference to "See Stipulation Attachment." The standard does not apply because the misconduct is serious.**

**At page 4 under the section titled "Additional Mitigating Circumstances," delete "None" and insert "See Mitigating Circumstances at page 8."**

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 135(b), 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.)**

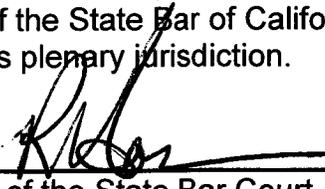
(Do not write above this line.)

Respondent **WADE R. SANDERS** is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 490(b) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

7/26/12

Judge of the State Bar Court

  
**Richard A. Honn**

**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 July 27, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

WADE ROWLAND SANDERS  
WADE ROWLAND SANDERS, ESQ.  
1720 WHALEY AVE  
SAN DIEGO, CA 92104

JEFFREY ROBERT KRINSK  
FINKELSTEIN & KRINSK  
501 W BROADWAY STE 1250  
SAN DIEGO, CA 92101

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:

Brandon Keith Tady, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 27, 2012.



Cristina Potter  
Case Administrator  
State Bar Court