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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
Counsel For The State Bar Kimberly G. Anderson The State Bar of California 1149 S. Hill Street Los Angeles, CA 90015 (213)765-1083 Bar # 150359	Case Number(s): 10-C-08415 and 10-C-10196 PUBLIC MATTER	For Court use only FILED MAR 24 2011 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Cynthia L. Spalding Law Offices of Spalding and Spalding P.O. Box 9059 Alta Loma, CA 91701 (909) 980-9607 Bar # 170899	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: Cynthia Spalding Bar # 170899 A Member of the State Bar of California (Respondent)	STAYED SUSPENSION; NO ACTUAL SUSPENSION <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 2, 1994.
- (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 14 pages, not including the order.



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- (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 are added to membership fee for calendar year following effective date of discipline.
- Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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
- (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.

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- (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. See, Stipulation Attachment, page 12 (Attachment page 5).
- (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.

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- (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, Stipulation Attachment, page 12 (Attachment page 5).

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D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of one (1) year.

- 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of five (5) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

(Effective January 1, 2011)

Stayed Suspension

(Do not write above this line.)

- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|--|---|
| <input checked="" 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:

- (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 within one year. **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) **Other Conditions:**
- See, Stipulation Attachment, pages 12-13 (Attachment pages 5-6)

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In the Matter of: Cynthia Spalding	Case Number(s): 10-C-08415 and 10-C-10196
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Substance Abuse Conditions

- a. Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. Respondent must attend at least _____ meetings per month of:
- Alcoholics Anonymous
 - Narcotics Anonymous
 - The Other Bar
 - Other program
- As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.
- c. Respondent must select a license 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.
- d. 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. For good cause, 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.
- e. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

See Stipulation Attachment pages 12-13 (Attachment pages 5-6).

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Cynthia L. Spalding

CASE NUMBER(S): ET AL. 10-C-08415 and 10-C-10196

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING.

Case No. 10-C-08415:

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 April 29, 2010, respondent was convicted of violating Vehicle Code, section 23152(b).
3. On November 15, 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 violation of Vehicle Code, section 23152(b) involved moral turpitude or other misconduct warranting discipline.

Case No. 10-C-10196:

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 July 7, 2010, respondent was convicted of violating Vehicle Code, section 14601.2(a).
3. On February 1, 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 violation of Vehicle Code, section 14601.2(a) involved moral turpitude or other misconduct warranting discipline.

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

FACTS:

Case No. 10-C-08415:

1. On August 7, 2009 at approximately 7:44 p.m., Deputy Mason of the San Bernardino County Sheriff's Department was dispatched to aid the Respondent, whose vehicle had been stuck in a ditch. Respondent had driven the vehicle off of the roadway causing it to get stuck with its front tires in the air. Deputy Mason observed the Respondent staggering and almost falling. He smelled a strong odor of alcohol. Her speech was slow and slurred and she had bloodshot, watery eyes.
2. When Deputy Mason asked her if she had anything to drink, Respondent initially denied having had anything to drink. When asked again by Deputies Mason and Peterson, she stated she had gotten her car stuck in a ditch while making a U-turn, that she had gone home to call AAA, and that she had one drink at home when she went to call AAA to get her car out of the ditch. But she denied drinking and driving. When Deputies Mason and Peterson asked her to perform FSTs she refused and she refused to take a PAS test.
3. Respondent was arrested and, after initially refusing to take a chemical test, she agreed to submit to a blood test. The blood test results were .26.
4. On September 11, 2009, Respondent was charged in the case entitled *People of the State of California v. Cynthia Spalding*, San Bernardino Superior Court Case No. TWV902389 with driving under the influence of alcohol and driving with a blood alcohol concentration in excess of .08 in violation of Vehicle Code, sections 23152(a) and 23152(b). The complaint also alleged that Respondent's blood alcohol concentration was in excess of .15 within the meaning of Vehicle Code, section 23578.
5. On April 29, 2010, Respondent pled guilty to a violation of Vehicle Code, section 23152(b) and the court dismissed the allegation that Respondent violated Vehicle Code, section 23152(a). Respondent admitted that she had previously been convicted of driving under the influence in Case Nos. TWV703049. The court placed Respondent on summary probation for three years. The court also ordered Respondent violate no laws, that Respondent not drive without a valid license and insurance, that Respondent not drive a motor vehicle with any measurable amount of alcohol in her system, among other conditions. Respondent was also ordered to complete complete an 18-month SB38 Multiple Offender alcohol program concurrent to her completion of the program in Case Nos. TWV703049 and TWV1000033.
6. On September 23, 2009 at approximately 10:20 a.m., Deputies Pahia and Foytik of the San Bernardino County Sheriff's Department were dispatched based upon a report from Respondent's husband that she had been drinking and driving. Deputy Pahia observed Respondent driving and executed a traffic stop, noting that she also did not have a proper front license plate and she had rear tail light damage.
7. Deputy Pahia noticed Respondent had a strong odor of alcohol emitting from her breath, her person and her vehicle. Respondent had red, bloodshot, watery eyes. He told Respondent her husband had called to report her and asked if she would have any problems complying with some FSTs to make sure she was okay to drive. Respondent was very cooperative. She stumbled as she exited the vehicle. Deputy Pahia asked her if she had been drinking and she denied drinking.
8. Respondent was arrested and agreed to submit to a blood test. The blood test results were .25.

9. On December 3, 2009, Respondent was charged in the case entitled *People of the State of California v. Cynthia Spalding*, San Bernardino Superior Court Case No. TWV903049 with driving under the influence of alcohol and driving with a blood alcohol concentration in excess of .08 in violation of Vehicle Code, sections 23152(a) and 23152(b).
10. On April 29, 2010, Respondent pled no contest to a violation of Vehicle Code, section 23152(b) and the court dismissed the allegation that Respondent violated Vehicle Code, section 23152(a). Respondent admitted that she had previously been convicted of driving under the influence in Case Nos. TWV703049. The court placed Respondent on summary probation for three years. The court also ordered Respondent violate no laws, that Respondent not drive without a valid license and insurance, that Respondent not drive a motor vehicle with any measurable amount of alcohol in her system, among other conditions. Respondent was also ordered to complete complete an 18-month SB38 Multiple Offender alcohol program concurrent to her completion of the program in Case Nos. TWV902389 and TWV1000033.
11. On October 28, 2009 at approximately 6:34 p.m., Deputies Foytik and Hughes of the San Bernardino County Sheriff's Department executed a traffic stop of the vehicle being driven by Respondent after having been dispatched to the area due to multiple reports that the vehicle had struck a sign in the center median and had been driven erratically. Prior to executing the traffic stop, they observed Respondent throwing glass and debris out of the window of the car while driving.
12. After Deputies Foytik and Hughes executed the traffic stop, Deputy Clark contacted Respondent as she sat in the driver's seat of the vehicle. The vehicle had a damaged driver's side mirror which was hanging alongside the window by its power cord, the driver's side window had been shattered, and there were glass fragments covering the interior of the vehicle.
13. Respondent provided the deputies with her pink copy of the DS367 admin per se temporary driver's license that had been issued by the Department of Motor Vehicles (DMV) due to her prior DUI arrests.
14. Deputy Foytik recognized Respondent from a previous driving under the influence arrest approximately 35 days earlier.
15. Respondent admitted to the deputies that she had been drinking and that she had consumed a number of medications. She was asked to complete a series of Field Sobriety Tests (FSTs), but stated she would be unable to complete the FSTs due to her medical issues.
16. Respondent was asked to submit to a Preliminary Alcohol Screening test (PAS) and agree to do so. He PAS test results indicated a blood alcohol concentration of .191 and .199.
17. Respondent was arrested and agreed to submit to a blood test. The blood test results were .21.
18. On January 6, 2009, Respondent was charged in the case entitled *People of the State of California v. Cynthia Spalding*, San Bernardino Superior Court Case No. TWV1000033 with driving under the influence of alcohol and driving with a blood alcohol concentration in excess of .08 in violation of Vehicle Code, sections 23152(a) and 23152(b). The complaint also alleged that Respondent had a prior conviction on September 4, 2009 in San Bernardino Superior Court

Case No. SBHA24 for driving under the influence of alcohol on July 2, 2009 in violation of Vehicle Code, section 23152(a).

19. On April 29, 2010, Respondent pled guilty to a violation of Vehicle Code, section 23152(b) and the court dismissed the allegation that Respondent violated Vehicle Code, section 23152(a). Respondent admitted that she had previously been convicted of driving under the influence in Case Nos. TWV703049 and TWV702389. The court placed Respondent on summary probation for three years. The court also ordered Respondent violate no laws, that Respondent not drive without a valid license and insurance, that Respondent not drive a motor vehicle with any measurable amount of alcohol in her system, among other conditions. Respondent was also ordered to complete complete an 18-month SB38 Multiple Offender alcohol program concurrent to her completion of the program in Case Nos. TWV703049 and TWV702389.

Case No. 10-C-10196:

20. On February 9, 2010 at approximately 5:11 p.m., Deputy Foytik of the San Bernardino County Sheriff's Department executed a traffic stop of Respondent's vehicle. At the time, Respondent knew she or should have known she was driving with a suspended license due to a driving under the influence conviction in violation of Vehicle Code, section 14601.2(a).
21. On July 7, 2010, Respondent pled guilty to a violation of Vehicle Code, section 14601.2(a) in the case entitled *People of the State of California v. Cynthia Spalding*, San Bernardino Superior Court Case No. 3098186CS. The court placed Respondent on summary probation for three years. The court also ordered Respondent violate no laws, that Respondent not drive without a valid license and insurance, that Respondent not drive a motor vehicle with any measurable amount of alcohol in her system, among other conditions.

LEGAL CONCLUSIONS PERTAINING TO CASE NOS. 10-C-08415 and 10-C-10196:

22. By driving under the influence of alcohol on three occasions between August 7, 2009 and October 28, 2009, and by then driving on a suspended license while her license was suspended for prior driving under the influence arrests, Respondent committed misconduct warranting discipline which amounted to a violation of Business and Professions Code, section 6068(a), but which does not involve moral turpitude.

PENDING PROCEEDINGS.

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

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 2, 2011, the prosecution costs in this matter are approximately \$3,572.00. 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 3.2, Standards for Attorney Sanctions For Professional Misconduct; *See, In re Kelley* (1990) 52 Cal.3d 487 (public reproof for two driving under the influence of alcohol convictions and probation violations). Greater discipline is warranted in this case because it involved three driving under the influence convictions and one suspended license conviction, but no probation violations.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Candor and Cooperation:

Respondent immediately contacted the assigned trial counsel as soon as the first conviction matter was referred to the State Bar Court and agreed to resolve all matters early in the proceedings. She admitted all pertinent facts and circumstances surrounding her convictions. Respondent's actions saved the State Bar and the State Bar Court's resources and evidences a recognition of wrongdoing and immediate attempts to rectify the misconduct.

ADDITIONAL MITIGATING CIRCUMSTANCES.

No Prior Discipline:

Although the misconduct in this matter is serious, Respondent has no prior record of discipline since being admitted to practice law in 1994.

Physical/ Emotional/ Family and Financial Difficulties:

Respondent's three driving under the influence convictions were caused by her use of alcohol to cope with marital issues and financial issues in her law practice. Respondent and her husband (also an attorney) maintained a law practice together. Respondent and her husband have now separated, but are continuing to run a law practice together.

On May 18, 2010 Respondent enrolled in the Valley Improvement Programs 18 month SB 38 multiple offender alcohol program as a condition of her probation in each of the three driving under the influence cases and she continues to participate in the program.

Respondent has also voluntarily enrolled in the Matrix Institute on Addictions, which is not required by her criminal probation. On February 17, 2011, Respondent signed a contract for a four-month treatment program at Matrix, which will include 2 individual and/or conjoint sessions, three group sessions per week, weekly breath-alcohol and urine testing and a weekly social support group.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

Attendance at AA and/or The Other Bar Meetings: Respondent must attend at least three meetings per week of Alcoholics Anonymous and/or The Other Bar. As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period. (If Respondent is still attending the four-month program at Matrix Institute on Addictions after the effective date of discipline in this case, then her participation in Matrix shall satisfy the probation condition for requiring her to attend at least three meetings per week of Alcoholics Anonymous and/or The Other Bar.

If the Respondent extends her participation in Matrix after the initial four-month treatment program she entered into on February 17, 2011, then her continued participation in Matrix shall satisfy the probation condition for requiring her to attend at least three meetings per week of Alcoholics Anonymous and/or The Other Bar.)

Statement of Sobriety Under Penalty of Perjury in Quarterly and Final Reports: Respondent must state under penalty of perjury in each of her quarterly reports and in her final report to the Office of Probation that she has abstained from the use of alcoholic beverages and that she has not used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia without a prescription.

Random Drug and Alcohol Testing:

- During the first three years of Respondent's probationary period, she shall be randomly tested for the use of alcohol no less than 5 and no more than 10 times per year.
- Respondent must select a licensed medical laboratory approved by the Office of Probation.
- Respondent must maintain with the Office of Probation a current address and current telephone number at which she can be reached.
- Respondent must return any call from the Office of Probation concerning testing of respondent's blood or urine within 12 hours. Within 36 hours of the Office of Probation's initial call to Respondent, Respondent must furnish to the approved medical laboratory blood and/or urine samples as may be required to show that Respondent has abstained from drugs and/or alcohol. Specifically, Respondent is to submit to a EtG (Ethyl Glucuronide) test and a 10-panel drug test. Two samples will be taken for each test. The first of each sample is to be tested, the second specimen is to be stored in a manner which will ensure the specimen may be accurately tested in the future.
- 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 respondent's expense, a screening report containing an analysis of Respondent's blood and/or urine within 15 days after the sample was taken.
- In the event that a test result is positive and respondent believes this result to be a false or "innocent" positive, Respondent will be given 5 additional days to have the second specimen re-tested at the original laboratory or at another approved laboratory, and/or to meet with a Medical Review Officer employed or approved by the laboratory to discuss the results. If the laboratory determines that the initial positive result was indeed a false or "innocent" positive, that determination will be accepted by the Office of Probation.

COMPLIANCE WITH CONDITIONS OF PROBATION IN UNDERLYING CRIMINAL MATTER.

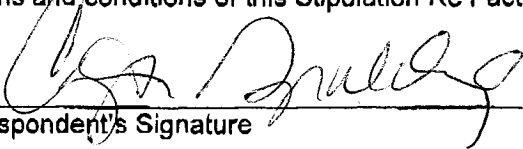
Respondent shall comply with all conditions of probation imposed in the underlying criminal matters and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Office of Probation.

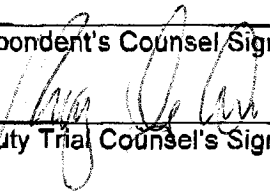
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In the Matter of: Cynthia L. Spalding	Case number(s): 10-C-08415 and 10-C-10196
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SIGNATURE OF THE PARTIES

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, Conclusions of Law, and Disposition.

March 2011 Date	 Respondent's Signature	Cynthia Spalding Print Name
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Date	Respondent's Counsel Signature	Print Name
March 7 2011 Date	 Deputy Trial Counsel's Signature	KIMBERLY E. ANDERSON Print Name

(Do not write above this line.)

In the Matter of: Cynthia L. Spalding	Case Number(s): 10-C-08415 and 10-C-10196
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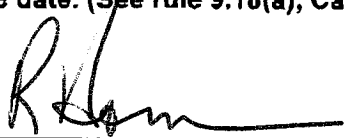
STAYED SUSPENSION ORDER

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 3/23/11


 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 March 24, 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:

CYNTHIA L. SPALDING
LAW OFFICE OF SPALDING & SPALDING
P.O. BOX 967
5348 WINDSOR PL
ALTA LOMA, CA 91737

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

Kimberly G. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 24, 2011.



Cristina Potter
Case Administrator
State Bar Court