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**State Bar Court of California
Hearing Department
SAN FRANCISCO
ALTERNATIVE DISCIPLINE PROGRAM**

<p>Counsel For The State Bar</p> <p>Tammy M. Albertsen Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2527</p> <p>Bar # 154248</p>	<p>12-C-18017-LMA</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>✓</p> <p>SEP 15 2014</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel for Respondent</p> <p>Joanna P. Sheridan 260 California Street, Suite 1002 San Francisco, CA 94111 (415) 989-7900</p> <p>Bar # 260090</p>	<p>Submitted to: SETTLEMENT JUDGE</p>	
<p>In the Matter of: APRIL LIN WALSH</p> <p>Bar # 230393</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p>ALTERNATIVE DISCIPLINE PROGRAM</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

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A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted April 29, 2004.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 5.386(D)(2) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 7 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) Prior record of discipline [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case:
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline:
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Stipulation Attachment, page 5.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See, Stipulation Attachment, pages 5 and 6.

- 1) No Prior Record
- 2) Good Character
- 3) Pretrial Stipulation

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: APRIL LIN WALSH

CASE NUMBER: 12-C-18017-LMA

FACTS AND CONCLUSION OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which he was convicted involved other misconduct warranting discipline.

Case No. 12-C-18017-LMA (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 4, 2012, in Santa Clara Superior Court, case number C1232326, respondent was charged as follows: Count 1 with a violation of Vehicle Code section 23152(a), driving under the influence of alcohol or drugs, a misdemeanor; and Count 2 with a violation of Vehicle Code section 23152(b), driving with a blood alcohol level of .08% or higher, a misdemeanor. Respondent was also charged with a special allegation of having a prior conviction for driving under the influence in violation of Vehicle Code section 23152, which conviction occurred on September 4, 2004.
3. On June 21, 2012, respondent pled no contest to and was convicted of a violation of Vehicle Code section 23152(b) [DUI w/blood alcohol level of .08% or greater with admitted prior conviction in September, 2004], Santa Clara County Superior Court, case number C1232326.
4. On June 21, 2012, the court entered respondent's plea of no contest to Count 2, a violation of Vehicle Code section 23152(b), a misdemeanor. The court also found true the special allegation of respondent's prior conviction. The court accepted respondent's plea and convicted respondent. The remaining charge was dismissed in the interest of justice and in view of the plea.
5. On June 21, 2012, respondent waived time for sentencing and the court sentenced respondent as follows: suspended respondent's sentence and placed respondent on court probation for a period of three years. The court ordered that respondent, among other things, serve 10 days in jail, enroll in and complete multiple offender program, drive with no measureable level of alcohol in her blood, submit to chemical testing, obey all laws and pay a total of \$2,102 in criminal and civil fines and fees.
6. Respondent did not appeal. The conviction was final when judgment was entered on June 21, 2012.
7. On September 26, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department 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 offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

8. On April 6, 2012, CHP officers were on patrol on a city street in Campbell; respondent was in her car immediately in front of the CHP patrol car. The officers noticed that respondent's car's tail light was inoperative, so they pulled respondent over to discuss the broken tail light. One of the CHP officers spoke to respondent through her open window and the officer immediately smelled an odor of alcohol coming from respondent and from within respondent's car. The officer also noticed that respondent's eyes were red and watery; her speech was slow and slurred. The officer asked respondent if she had been drinking. Respondent stated "no." Based on his observations, the officer asked respondent to perform field sobriety tests ("FSTs"). She failed to perform the FSTs properly. The officer arrested respondent for suspicion of driving under the influence of alcohol. Respondent submitted to a breath test; her BAL twice measured .11.

CONCLUSION OF LAW:

The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.2(b)(iv)): Respondent's misconduct induced criminal prosecution, thereby impacting the administration of justice and public confidence in attorneys.

MITIGATING CIRCUMSTANCES.

No Prior Record: At the time of the misconduct, respondent had practiced law for eight (8) years without a prior record of discipline. Although respondent's misconduct is serious, her 8-year discipline-free practice is a mitigating circumstance. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 [where mitigative credit given for discipline-free practice despite serious misconduct].)

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 her misconduct. Her twelve character references – including a city council member/law professor, three local attorneys and eight former clients – stated uniformly that the misconduct at issue was highly aberrational for respondent. They know her to be honest, hardworking and very knowledgeable about family law. Several attest to an awareness of and respect for respondent's community activities, particularly dedicated to improvement of family court and one to respondent's volunteer efforts with the local Girl Scouts.

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel, thereby saving the State Bar court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 19, 2014, the prosecution costs in this matter are \$4,906. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase because of the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

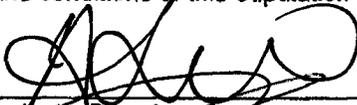
Pursuant to rule 3201, respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: APRIL LIN WALSH	Case number(s): 12-C-18017-LMA
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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.

<u>6/11/2014</u> Date	 Respondent's Signature	<u>April Lin Walsh</u> Print Name
<u>6/18/2014</u> Date	 Respondent's Counsel Signature	<u>Joanna P. Sheridan</u> Print Name
<u>7/22/2014</u> Date	 Deputy Trial Counsel's Signature	<u>Tammy M. Albertsen</u> Print Name

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In the Matter of: APRIL LIN WALSH	Case Number(s): 12-C-18017-LMA
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ALTERNATIVE DISCIPLINE PROGRAM ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure)

Date Sept 15, 2014



LUCY ARMENDARIZ
Judge of the State Bar Court

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 San Francisco, on September 15, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

By personally delivering a copy of said document(s) to:

SUSAN CHAN
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

JOANNA P. SHERIDAN
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 15, 2014.



Mazie Yip
Case Administrator
State Bar Court