

# PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

**FILED**

SEP 18 2014

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of )  
 )  
MICHAEL PATRICK CARUSO, )  
 )  
Member No. 248821 )  
 )  
A Member of the State Bar. )

Case Nos.: 12-O-17225-RAH, et al.  
(S215490)

**ORDER RE MOTION TO MODIFY  
PROBATION**



On August 11, 2014, respondent Michael Patrick Caruso (respondent) filed a motion to modify the terms of his probation in the above-listed matter (modification motion). Specifically, the modification motion sought to modify the frequency of the psychiatric/psychological counseling component of respondent's probation. Respondent is currently ordered to obtain psychiatric or psychological help/treatment two times per month.<sup>1</sup>

On August 12, 2014, the Office of Probation of the State Bar of California filed a response to the modification motion. The Office of Probation did not oppose the modification motion, but requested that respondent's satisfactory proof of compliance include a report from his therapists as to whether respondent's condition has changed and whether a different treatment frequency is recommended.

The modification motion stated specific facts demonstrating that the requested relief is appropriate and serves the objectives of probation. In the modification motion, respondent presented declarations from his psychologist, Dr. Masood Alaei, and his psychiatrist, Dr. Scott

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<sup>1</sup> Respondent has been treating monthly with both a psychologist and a psychiatrist.

Bunner. Dr. Alaei and Dr. Bunner both note that there has been a significant change in respondent's condition and recommend that the terms of respondent's probation be changed to require that he visit each doctor once every three months. Both doctors conclude that the proposed reduction in visits should be sufficient to ensure that respondent is receiving adequate treatment; however, both doctors also note that if respondent's condition worsens he should again receive more frequent treatments. Consequently, the court finds that the modification motion is consistent with protecting the public, respondent's successful rehabilitation, and maintaining the integrity of the legal profession.

Good cause having been shown, the modification motion is **GRANTED**, and the psychiatric/psychological treatment conditions of probation in the above-listed matter (see page 7, paragraph b., of the underlying Stipulation) are modified as follows:

Respondent must obtain psychiatric or psychological treatment from a duly licensed psychiatrist, psychologist or clinical social worker, at respondent's own expense, a minimum of two time(s) every three months and must furnish satisfactory evidence of compliance to the Office of Probation with each quarterly report. Satisfactory evidence of compliance must include a report from respondent's therapist(s) whether respondent's condition has changed and whether the therapist(s) recommends a different treatment frequency. Treatment should commence immediately and, in any event, no later than 90 days after the date of this order. Treatment must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final. If the treating psychiatrist, psychologist or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or the State Bar may file a motion for modification of this condition with the State Bar Court Hearing Department pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

At the Office of Probation's request, 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, the Office of the Chief Trial

Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

**IT IS SO ORDERED.**

Dated: September 18, 2014

  
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RICHARD A. HONN  
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 Los Angeles, on September 18, 2014, I deposited a true copy of the following document(s):

### ORDER RE MOTION TO MODIFY PROBATION

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

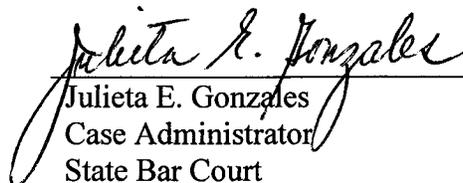
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MICHAEL P. CARUSO  
THE CARUSO LAW FIRM  
875 ROSECRANS ST  
SAN DIEGO, CA 92106

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

Terrie Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 18, 2014.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court