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State Bar Court o Hearing Depa Los Angel REPROVA_	ORIGINAL	
Counsel For The State Bar **Timothy G. Byer** **Deputy Trial Counsel** **845 S. Figueroa Street** **Los Angeles, CA 90017-2515** **(213) 765-1325** Bar # **172472**	Case Number(s): **13-C-10682-RAP**	For Court use only **FILED** JUN 16 2014 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent **Arthur L. Margolis** **2000 Riverside Drive** **Los Angeles, CA 90039-3758** Bar # **57703**	**PUBLIC MATTER**	
In the Matter of: **DANIEL BENJAMIN CHAMMAS** Bar # **204825** A Member of the State Bar of California (Respondent)	Submitted to: **Settlement Judge** STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING **PUBLIC REPROVAL** ☐ 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.

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A. Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted **December 7, 1999**.

(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 **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."

(5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

EDM 5/27/14

(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 (public reproval).
- ☐ Case ineligible for costs (private reproval).
- ☐ 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.

(9) The parties understand that:

(a) ☐ A private reproval imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproval was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.

(b) ☐ A private reproval imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

(c) ☒ A public reproval imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. 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 or a separate attachment entitled "Prior Discipline.

(2) ☐ **Dishonesty:** Respondent's misconduct was intentional, 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.

(8) ☐ **Restitution:** Respondent failed to make restitution.

(9) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.

(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 with a good faith belief that was honestly held and reasonable.

(8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

(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 extraordinarily 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 subsequent rehabilitation.

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

Additional mitigating circumstances:

No prior discipline. See Attachment, page 8.
Pre-trial stipulation. See Attachment, page 8.

D. Discipline:

(1) ☐ **Private reproval (check applicable conditions, if any, below)**

(a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).

(b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

(2) ☒ **Public reproval (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

(1) ☒ Respondent must comply with the conditions attached to the reproval for a period of **1 year.**.

(2) ☒ During the condition period attached to the reproval, 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 condition period attached to the reproval. 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 the reproval during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

(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 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 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 conditions attached to the reproval.

(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) ☐ 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 of the effective date of the reproval.

☒ No MPRE recommended. Reason: **Because this is a reproval for misconduct that did not involve the practice of law, and Respondent has taken steps to insure that his misdeeds will not reoccur, a requirement that Respondent take and pass the MPRE is not required to protect the public and the interests of the attorney. (See In re Respondent G (1992) 2 Cal. State Bar Ct. Rptr. 175, 180.).**

(11) ☐ 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:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DANIEL BENJAMIN CHAMMAS

CASE NUMBER: 13-O-10682

FACTS AND CONCLUSIONS 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 misconduct warranting discipline.

Case No. 13-O-10682 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. On February 7, 2013, the Los Angeles County City Attorney filed a criminal complaint in Los Angeles County Superior Court, case no. 3WA 00272, charging Respondent with two counts of violating Penal Code section 273.5(a) [Willful Infliction of Corporal Injury Upon Spouse], misdemeanors, one count of violating Penal Code section 273a(b) [Child Endangerment], a misdemeanor, and one count of violating Penal Code section 236 [False Imprisonment], a misdemeanor. On the same date, the court entered Respondent's not guilty plea to the charges.

2. On August 22, 2013, the court, on the People's motion, amended the complaint to add one count charging Respondent with a violation of Penal Code section 242-243(e)(1) [Spousal Battery], a misdemeanor. On that same date, Respondent pled nolo contendere to one count of violating Penal Code section 242-243(e)(1) [Spousal Battery], a misdemeanor, and based thereon, the court found Respondent guilty of that count. The remaining counts were dismissed in the interests of justice.

3. On August 22, 2013, the court suspended the imposition of sentence and placed Respondent on summary probation for a period of 36 months, on conditions which included enrollment in and completion of one year of a domestic violence program, and payment of fines totaling $710.00, as well as other conditions.

4. On March 27, 2014, 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 for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

5. On January 16, 2013, at approximately 7:15 p.m., Los Angeles Police Department officers received a radio call reporting a domestic battery call to 9-1-1 from Respondent's residence.

6. Upon arrival at Respondent's residence, the officers found Respondent's wife crying, her hair in disarray, nervous and hesitant to speak to the officers. Respondent's wife had visible markings

and injuries to her body, and was complaining of pain. Respondent was not present at the residence. Respondent's wife told the officers that she and Respondent had argued after he arrived home from work at about 7:10 p.m., and that the argument had escalated into an altercation during which he physically assailed her. The officers photographed her injuries which consisted of minor scratches to one arm, bruising and redness to one arm and both shins, and swelling of her hands and wrists. She did not require or receive any medical attention for her injuries.

7. While the officers were interviewing Respondent's wife, Respondent returned home to the residence. Respondent had suffered minor injuries to his wrist. The officers arrested Respondent.

CONCLUSIONS OF LAW:

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

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline (Std. 1.6(a)): Although Respondent's misconduct is serious, he is entitled to mitigation for having practiced law for approximately 13 years without discipline prior to this misconduct. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Additional Mitigating Circumstances:

Pretrial Stipulation: Respondent has acknowledged his misconduct and stipulated to facts, conclusions of law, and disposition in order to resolve these disciplinary proceedings as efficiently as possible, thereby avoiding the necessity of a trial and 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].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.12 (b) provides that "[s]uspension or reproval is appropriate for final conviction of a member of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline." In *In re Hickey* (1990) 50 Cal.3d 571, the attorney pled nolo contendere to a violation of Penal Code section 12025(b) (carrying a concealed weapon), and the Supreme Court also found evidence that the attorney had committed repeated acts of violence toward his wife and others. The facts and circumstances in *In re Hickey* represent a far more established pattern of violent and threatening behavior than is present in this case, yet the Supreme Court found they did not constitute moral turpitude. Neither do they constitute moral turpitude here.

Respondent's violence toward his wife does not involve moral turpitude, but does constitute other misconduct warranting discipline. "The Supreme Court has repeatedly imposed discipline on attorneys for violent behavior that did not rise to the level of moral turpitude." (*In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 581, 590.) In *In re Otto* (1989) 48 Cal.3d 970, the Supreme Court found that the attorney's assault by means likely to produce great bodily injury, and his infliction of corporal punishment on a cohabitant of the opposite sex constituted other misconduct warranting discipline. Here, Respondent's conviction involved violent behavior toward his wife, resulting in her bodily injury. Respondent's misconduct therefore warrants discipline.

Respondent's misconduct is serious because it demonstrates a disregard for the law and safety of others. In mitigation, Respondent has no prior record of discipline since his admission in 1999, and has voluntarily entered into this stipulation, which evidences Respondent's acknowledgment of his wrongdoing. Respondent's wife has also provided a declaration under the penalty of perjury in which she describes Respondent's remorse for his actions and his having fulfilled a promise made to her shortly after the incident that he would not lose his temper in that manner again. Respondent's misconduct appears to have been an isolated incident that did not involve the practice of law, he has no prior discipline and has acknowledged his wrongdoing here, and he appears to have begun the process of conforming his conduct to his ethical responsibilities. Therefore, a public reproval, a level of discipline at the low end of the range discussed in Standard 2.12(b) is sufficient to protect the public.

A public reproval has been imposed in other cases analogous to the level of misconduct here, as where an attorney committed a DUI offense while on probation for a previous DUI (*In re Kelley* (1990) 52 Cal.3d 487). Public reproval was also imposed on an attorney convicted of carrying a concealed weapon, carrying a loaded firearm, and reckless driving (*In re Titus* (1989) 47 Cal.3d 1105). Like those cases, Respondent's violation of the law threatened the safety and well-being of others and, while not moral turpitude, is other misconduct justifying imposition of a public reproval.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 27, 2014, the prosecution costs in this matter are $2,392. 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.

EXCLUSION FROM MCLE CREDIT

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

(Do not write above this line.)

In the Matter of:	Case number(s):
DANIEL BENJAMIN CHAMMAS	13-C-10682-RAP

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.

5/30/14		Daniel B. Chammas
Date	Respondent's Signature	Print Name
6/3/14		Arthur L. Margolis
Date	Respondent's Counsel Signature	Print Name
6/4/14		Timothy G. Byer
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: DANIEL BENJAMIN CHAMMAS	Case Number(s): 13-C-10682

REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- [x] The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- [ ] The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- [ ] 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. (See rule 5.58(E) & (F), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

June 13, 2014
Date

GEORGE E. SCOTT, JUDGE PRO TEM
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 June 16, 2014, 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:

ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

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

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 16, 2014.

Angela Carpenter
Case Administrator
State Bar Court