

COPY

~~ORIGINAL~~

<p>Counsel for Respondent Victoria L. Campbell, SBN 149157 314 West Line Street, Ste. H P.O. Box 1413 Bishop, CA 93515 (760) 873-7070</p>	<p>(for Court use) FILED FEB 16 2016 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In the Matter of GERARD BRENNAN HARVEY, Bar # 152669 A member of the State Bar of California ("Respondent")</p>	<p>Case no(s). 13-C-11781 S-220720 16-PM- PROBATION REVOCATION RESPONSE (Rule 5.314, Rules of Procedure)</p>

As required by rule 5.314(B), Rules of Procedure, Respondent attaches one or more declarations to this form which set forth the facts upon which my opposition to the motion to revoke probation is based.

(1) Respondent requests a hearing in this matter and intends to participate.

OR

(2) Respondent requests that this proceeding be resolved on the pleadings without any hearing.

If you checked box (1), check one of the following:

(a) Respondent requests the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

(b) Respondent does not request the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

Date: 2/4/2016

Victoria L. Campbell

Signature

1 In the Matter of Gerard B. Harvey
2 Case No.: 13-C-11781; S-220720

3 PROOF OF SERVICE

4 I am a resident of the State of California, I am over the age of eighteen years and
5 not a party to the within entitled action; my business address is: P.O. Box 1413, Bishop,
6 CA 93515. On February 11, 2016, I served the within:

7 PROBATION REVOCATION RESPONSE

8 on the interested party/ies in said action, as listed below:

9 BY FAX: by transmitting via facsimile the document(s) listed above to the fax
10 number(s) set forth below on this date.

11 BY HAND: by personally delivering the document(s) listed above to the person(s)
12 at the address(es) set forth below.

13 BY MAIL: by placing the document(s) listed above in a sealed envelope with postage
14 thereon fully prepaid, in the United States mail at Bishop, California addressed as set
15 forth below.

16 BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight
17 delivery service company for delivery to the addressee(s) on the next business day.

18 BY PERSONAL DELIVERY: by causing personal delivery by _____
19 of the document(s) listed above to the person(s) at the address(es) set forth below.

20 Terrie Goldade
21 Supervising Attorney
22 845 South Figueroa Street
23 Los Angeles, CA 90017-2515

24 I declare under penalty of perjury that the foregoing is true and correct. Executed on
25 February 11, 2016, at Bishop, California.

26 
27 VICTORIA L. CAMPBELL
28

1 Victoria L. Campbell, SBN 149157
Attorney at Law
2 314 West Line Street, Ste. H
P.O. Box 1413
3 Bishop, CA 93515
(760) 873-7070
4 Fax: (760) 873-8080

5 Attorney for Respondent,
Gerard B. Harvey
6
7

8 THE STATE BAR COURT
9 HEARING DEPARTMENT - LOS ANGELES
10

11 In the Matter of) Case Nos.: 13-C-11781; S-220720
12 GERARD BRENNAN HARVEY,) DECLARATION OF GERARD B.
13 Member of the State Bar, No. 152669.) HARVEY
14)
15)

16 I, Gerard B. Harvey, declare as follows:

17 1. I would respectfully disagree with the Probation Officer's request to
18 revoke my probation and impose the two-year suspension. If the court finds that
19 my conduct has been wilful I would submit that an extension of my term of probation
20 would be an appropriate alternative punishment.

21 2. As the court is well aware, disciplinary proceedings arose against me
22 as a result of my abuse of methamphetamine. In the context of the criminal
23 prosecution in Inyo County, I performed fairly well on formal probation from the time
24 I was placed on it in June of 2013 until this past fall of 2015. I was testing clean and
25 performing well on probation throughout that period. Beginning in September of
26 2015, I suffered a relapse and once again began to struggle with sobriety. On
27 December 14, 2015, with encouragement from my family and colleagues I
28 voluntarily entered a 30-day residential treatment program in Santa Monica,

1 California, that included behavior modification and twelve-step principles. A copy
2 of the completion letter from the Clare Foundation was attached to the Quarterly
3 Report that was emailed to the probation officer on February 5, 2016.

4 3. I currently work with a sponsor and attend a minimum of five NA
5 meetings a week, and intend to do so indefinitely. Additionally, I continue in
6 treatment with my psychiatrist Dr. Murat Akalin, also continuing my medication
7 regimen. I am committed to maintaining my sobriety and to continuing to practice
8 law to the best of my ability. My eldest son is a freshman at Seton Hall University
9 in New Jersey and is on the Dean's List, my second oldest son is a senior on the
10 Honor Roll in high school, planning to attend the University of Connecticut this fall.
11 Lastly, I have an eight-year-old son who is a third-grader and who was Student of
12 the Month for December while his father went to rehab. I also enjoy the support and
13 encouragement of my girlfriend Davina Boling who was instrumental in my decision
14 to enroll in residential treatment.

15 4. I wish to address the list of allegations contained in Mr. Kanterakis'
16 declaration in the order in which they were presented. As to each alleged failure I
17 do not dispute their veracity. I want to emphasize that my focus was on other life
18 issues which I believe contributed to my lapse in ability to comply with the Court's
19 orders. This was a serious error on my part. Having successfully completed a
20 thirty-day residential rehab program and throwing myself into my recovery "both feet
21 first," I now feel confident of my ability to handle all of my obligations successfully
22 including my obligations to the Court.

23 a. Medical waivers not provided timely. These were to be provided by
24 December 20, 2014, and they were provided on January 8, 2015. This was during
25 my 90-day actual suspension from the practice of law. I was struggling financially
26 and waiting tables at a local restaurant, making just enough money, with the support
27 of friends, to put gas in the car and food on the table for my family. This does not
28 excuse the lapse, but hopefully serves to explain it.

1 b. Quarterly reports not provided timely. My second Quarterly Report for
2 2015 was provided on April 27, 2015 not April 10, 2015; my third Quarterly Report
3 was provided on September 20, 2015 not July 10, 2015; my fourth Quarterly Report
4 was provided on February 5, 2016, not January 10, 2016. As to the second
5 Quarterly Report, I had returned to the practice of law in February and was still
6 struggling to get caught up financially. As to the third Quarterly Report, my mother
7 had a stroke in the third week of June, and I flew back to Philadelphia to be with her
8 and my family during this difficult time. In addition, at that time I took my son back
9 to orientation at Seton Hall. After my return to California I inadvertently overlooked
10 the reporting requirement, and in August I was also focused on getting my son off
11 to college. Again, while this does not excuse the lapses, it may explain the
12 circumstances under which they occurred.

13 c. Attendance at NA Meetings in December 2014 and January 2015. I
14 acknowledge the accuracy of the assertion by the probation officer regarding
15 reporting my failure to attend the requisite number of NA meetings in December of
16 2014 and January of 2015. And although I provided my quarterly report late, I
17 believe that it shows me to be in compliance with my attendance requirement for the
18 months of October, November and December of 2015. I currently attend five NA
19 meetings a week at a minimum and will continue to do so indefinitely.

20 d. Late submission of proof of psychiatric treatment. I acknowledge the
21 accuracy of the probation officer's assertions regarding my failure to provide proof
22 of monthly treatment with a psychiatrist as provided in my order of discipline.
23 However, I would like the Court to understand how difficult it is in a rural area to
24 obtain psychiatric treatment. There are only two other psychiatrists in the Tri-
25 County area (Inyo, Mono, and Alpine Counties), one of whom is retired and one of
26 whom works exclusively for the County of Inyo and is not available for private
27 appointments. I was unable to obtain psychiatric counseling for several months,
28 and was finally able to retain the services of Dr. Akalin in April of 2015. I continued

1 to regularly consult with Dr. Akalin on a monthly basis through October of 2015. I
2 emailed a copy of a letter from Dr. Akalin's office dated February 5, 2016 to the
3 probation officer on today's date, to supplement my Quarterly Report. I would add
4 that my doctor and I meet through Skype since he moved to San Luis Obispo last
5 year.

6 e. Failure to comply with conditions of applicable criminal probation. I
7 was charged with violation of my probation in Inyo by virtue of submitting a positive
8 urinalysis test for methamphetamine as well as three positive tests for THC. Those
9 violations were resolved with the Inyo County Superior Court on January 21, 2016.
10 Recognizing that my substance abuse problem was causing great difficulty in my
11 life, between Thanksgiving and December 14, 2015, I completed intake and
12 obtained financial assistance from my brother to enter into residential treatment at
13 the Clare Foundation. As previously stated, I voluntarily went into in-patient
14 treatment for substance abuse on Monday, December 14, 2015.

15 f. Failure to timely submit evidence of completion of Ethics School.
16 Although I successfully took the Ethics School on October 22, 2015, I acknowledge
17 that I inadvertently failed to timely report to the probation officer. Proof was
18 submitted with my Quarterly Report emailed on February 5, 2016.

19 5. In addition to the testimony contained in this Declaration and to be
20 submitted to the Court at the hearing, I respectfully request that the Court allow me
21 to provide telephonic testimony from witnesses as to my character. I will provide
22 their names and declarations at the earliest opportunity.

23 I declare under penalty of perjury that the foregoing is true and correct.

24
25
26
27
28

Dated: February 11, 2016


GERARD B. HARVEY

1 In the Matter of Gerard B. Harvey
2 Case Nos.: 13-C-11781; S-220720

3 PROOF OF SERVICE

4 I am a resident of the State of California, I am over the age of eighteen years
5 and not a party to the within entitled action; my business address is: P.O. Box
6 1413, Bishop, CA 93515. On February 11, 2016, I served the within:

7 DECLARATION OF GERARD B. HARVEY

8 on the interested party/ies in said action, as listed below:

9 BY FAX: by transmitting via facsimile the document(s) listed above to the fax
10 number(s) set forth below on this date.

11 BY HAND: by personally delivering the document(s) listed above to the
12 person(s) at the address(es) set forth below.

13 BY MAIL: by placing the document(s) listed above in a sealed envelope with
14 postage thereon fully prepaid, in the United States mail at Bishop, California
15 addressed as set forth below.

16 BY OVERNIGHT MAIL: by causing document(s) to be picked up by an
17 overnight delivery service company for delivery to the addressee(s) on the
18 next business day.

19 Terrie Goldade
20 Supervising Attorney
21 845 South Figueroa Street
22 Los Angeles, CA 90017-2515

23 I declare under penalty of perjury under the laws of the State of California
24 that the foregoing is true and correct. Executed on February 11, 2016, at Bishop,
25 California.

26
27
28

VICTORIA L. CAMPBELL