

(Do not write above this line.)

**State Bar Court of California
Hearing Department
San Francisco
ACTUAL SUSPENSION**

Counsel For The State Bar Melissa G. Murphy Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2527 Bar # 304445	Case Number(s): 13-C-12808-LMA 16-C-17639-LMA	For Court use only <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.2em; font-weight: bold;">JUL 06 2018</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
Counsel For Respondent Doron Weinberg 523 Octavia Street San Francisco, CA 94102 (415) 431-3472 Bar # 46131	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: WILLIAM MORGAN DOYLE Bar # 139543 A Member of the State Bar of California (Respondent)		

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 **May 16, 1989**.
- (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 **16** 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."



Handwritten mark resembling the number 13.

(Do not write above this line.)

- (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):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - 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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 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.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **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.

(Do not write above this line.)

- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. (See page 12)
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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.

(Do not write above this line.)

- (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 convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation, see page 12.

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 fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) 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:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), 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: ..

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, 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 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.

- (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 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.
- (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 probation conditions.
- (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.

(Do not write above this line.)

(10) The following conditions are attached hereto and incorporated:

- | | |
|--|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" 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 during the period of actual suspension or within one year, whichever period is longer. **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) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

(Do not write above this line.)

In the Matter of: WILLIAM MORGAN DOYLE	Case Number(s): 13-C-12808-LMA 16-C-17639-LMA
--	---

Medical Conditions

- a. Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of two times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for _____ days or _____ months or _____ years or, 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 Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, 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.

- c. 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:

Respondent shall comply with any recommendations by his duly licensed psychiatrist, psychologist, or clinical social worker as to his use of, or abstention from, alcohol. Respondent shall report any such recommendations and his compliance therewith in his quarterly reports.

heavily, there was a strong wind and roadway conditions were very hazardous. Due to respondent's actions, Paramedic Fernandez had to brake suddenly and the ambulance swerved.

8. As the two vehicles continued on Highway 101, Paramedic Fernandez attempted get around respondent. However, whenever Fernandez changed lanes, respondent swerved into that lane and blocked his path. Respondent also engaged in "brake checking" that involved slamming on his brakes while driving in front of the ambulance, requiring Fernandez to brake suddenly. Fernandez had to take evasive action to avoid hitting respondent.
9. Fernandez took the Whipple Avenue exit off Highway 101, and respondent followed. When Fernandez stopped for a red light, respondent pulled up next to the ambulance. Respondent then made what looked like a gun with his finger and pointed at Fernandez and Martinez. This alarmed the paramedics and they called the police.
10. At approximately 12:38 a.m., San Mateo Deputy Sheriff Michael Anderson was dispatched to the intersection of El Camino Real and Howard Avenue in San Carlos to respond to the incident. He was able to stop respondent on Camino Real, just north of Davey Glen Road in Belmont. The ambulance also pulled over.
11. As Deputy Anderson approached respondent's car, respondent pointed out of his window toward the ambulance. When the deputy asked respondent why he was following the ambulance, respondent said that the ambulance driver was drunk and he was following him for that reason. Respondent denied any wrongdoing.
12. Deputy Anderson then spoke to Paramedics Fernandez and Martinez, who described what they had just experienced. They both indicated that during the incident they were concerned about their safety and the safety of the other motorists on the highway. Fernandez said that had they received a call for assistance, they would not have been able to respond to it, as respondent's actions forced the paramedics out of service.
13. Deputy Anderson placed respondent under arrest for reckless driving and for obstructing the paramedics in their official duties. At the station, the officer could smell a mild odor of alcohol on respondent's breath and person. Deputy Anderson had respondent perform a series of field sobriety tests, which he satisfactorily completed. The deputy determined that respondent was not operating a motor vehicle under the influence of alcohol.

CONCLUSIONS OF LAW

14. The facts and circumstances surrounding the above-described violations do not involve moral turpitude, but involve other misconduct warranting discipline, in that respondent recklessly drove his car on Highway 101 and intentionally interfered with an on-duty ambulance crew driving on that same highway.

16-C-17639 (Conviction Proceedings)

PROCEDURAL BACKGROUND

15. On March 8, 2016, a criminal complaint was filed in Alameda County Superior Court, Case No. 614085, charging respondent as follows: COUNT ONE – violation of Penal Code section 245(a) [Assault with a

Deadly Weapon], a misdemeanor, with a felony Enhancement pursuant to Penal Code section 969f [Use of Deadly Weapon Clause]; COUNT TWO – violation of Vehicle Code section 23152(a) [Driving under the Influence of Alcohol], a misdemeanor; and COUNT THREE – violation of Vehicle Code section 23152(b) [Driving Under the Influence of Alcohol with a Blood Alcohol Concentration of 0.08% or Higher], a misdemeanor.

16. On April 17, 2017, respondent entered a plea of nolo contendere to Count Three - violation of Vehicle Code section 23152(b) [Driving Under the Influence of Alcohol with a Blood Alcohol Concentration of 0.08% or Higher], a misdemeanor. Count One and its felony enhancement, along with Count Two, were dismissed by the prosecution as part of a negotiated plea.
17. On April 17, 2017, the court suspended the imposition of sentence and placed respondent on probation for three years. The court ordered respondent to serve two days in jail (with credit for time served), not to drive with any alcohol in his system, to attend and complete the Driving Under the Influence School, Level 1 as directed by DMV, among other standard DUI conditions. Respondent was also ordered to Stay Away (at least 100 yards) from Hugh Trotter, his residence and place of employment, with exceptions as noted in Criminal Protective Order Penal Code section 136.2.
18. On January 4, 2018, 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 the facts and circumstances surrounding the offense for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS

19. Respondent has lived on Gilbert Street in Oakland since 2014. Hugh Trotter (“Trotter”) also lived in the Gilbert Street neighborhood and, beginning in early 2015, respondent and Trotter, developed a hostile relationship.
20. On the evening of March 3, 2016, respondent had dinner at Bar Cesar near his home in Oakland. He ate dinner, consumed three glasses of wine and watched a basketball game on TV. After he left the restaurant, he went to his car and began driving home while intoxicated. As he approached the intersection of Howe Street and 41st Street, a man dressed in black stepped out into the crosswalk. While he did not immediately recognize the person, respondent quickly realized it was Trotter. Respondent stopped short to avoid hitting him. Trotter, who later told police he had a criminal record, then slammed his fist on respondent’s hood, and the two men began yelling at each other.
21. Trotter then moved away from respondent, walking on the right sidewalk of 41st Street. Respondent, still in his car, followed Trotter along 41st Street. Respondent rolled down his passenger window, and the two men continued to argue.
22. At the intersection of 41st Street and Piedmont Avenue, respondent stopped his car and Trotter crossed the street behind respondent’s car, walking away from respondent, onto the left sidewalk on Piedmont Avenue. Respondent continued to follow Trotter, and turned left onto Piedmont Avenue. Respondent then rolled down his driver’s window, as Trotter was now to the left of his car. The two continued to argue.
23. Respondent then drove to the end of the block and spun his car around quickly. He drove back down Piedmont Avenue, in Trotter’s direction, at a fast rate of speed. Trotter, who was trying to cross

Piedmont Avenue after respondent drove to the end of the block, had to sprint out of the street to avoid being hit by respondent's car. Respondent then stopped in front of the Kerry House, a bar on Piedmont Avenue. He got out of the car and began arguing with one of Trotter's friends. Respondent then simulated a weapon with his hand, pointed it at Trotter and pretended to pull the trigger. Respondent returned to his car, drove onto 41st Street and was stopped by officers from the Oakland Police Department ("OPD").

24. Ann Petricca, who knew neither Trotter or respondent, witnessed the entire incident. It was Ms. Petricca who called the police.
25. After the police arrived, Ms. Petricca spoke to officers, and she was brought to the area where respondent was detained. She identified him as the driver of the car involved in the incident.
26. After speaking to the witnesses, OPD Officer Darrin Del Carlo placed respondent under arrest for Assault with a Deadly Weapon.
27. Officer Del Carlo and OPD Officer Gerald Moriarty then conducted an investigation to determine if respondent was under the influence of alcohol. When questioned by the officers, respondent had slurred speech and a strong odor of alcohol on his breath and person.
28. Respondent admitted to officers that he had consumed three glasses of red wine that evening.
29. Respondent performed a series of field sobriety tests, including the One Leg Stand Test, the Walk and Turn Test, the Horizontal Gaze Nystagmus Test, the Manual Dexterity Test and the Alphabet Test. He performed poorly on some of the tests.
30. Respondent's Blood Alcohol Concentration (BAC) was also measured with a Preliminary Alcohol Screening Device (PAS). He measured 0.113% BAC at 11:52 p.m.
31. Based on respondent's statements about drinking, performance on the field sobriety tests and the results of the PAS, Officer Del Carlo arrested respondent for violations of Vehicle Code sections 23152(a) and 23152(b).
32. At 1:19 a.m. on March 4, 2016, Deputy Corke, of the Alameda County Sheriff's Office, administered a breath test. At that time, respondent's BAC measured 0.06%.

CONCLUSIONS OF LAW

33. The facts and circumstances surrounding the above-described violations do not involve moral turpitude, but involve other misconduct warranting discipline, in that respondent, using his car, tried to frighten a person with whom he had an ongoing dispute, by driving recklessly and endangering both that person and the public. Respondent also drove under the influence of alcohol with a BAC of 0.08% or higher.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed multiple acts of misconduct in that he drove recklessly and intentionally interfered with an on-duty ambulance crew. Respondent also used his car to frighten a person with whom he had an ongoing dispute, by driving recklessly and endangering that person and the public. Respondent also drove a motor vehicle while under the influence of alcohol with a BAC of 0.08% or

higher. See *In the Matter of Bach* (Review Department 1991) 1 Cal. State Bar Ct. Rptr. 1163,1644 (two acts of misconduct may or may not constitute multiple acts of misconduct); *In the Matter of Song* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. at 279 (multiple acts can be found even if attorney found culpable of only one count of misconduct.)

MITIGATING CIRCUMSTANCES.

No Prior Discipline (Std. 1.6(a)): At the time of respondent's 2013 conviction in San Mateo County, he had been practicing law for 24 years without a prior record of discipline. At the time of his 2017 conviction in Alameda County, respondent had been practicing law for 28 years without a prior record of discipline. See *Friedman v. State Bar* (1990) 50 Cal.3d 235, 245 (20 years of discipline-free practice is highly significant).

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial of the above-referenced disciplinary matters, thereby saving 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 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).)

In this matter, respondent was convicted of two misdemeanors not involving moral turpitude, but involving other misconduct warranting discipline. Standard 2.16(b) applies and provides: "Suspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline."

To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. In aggravation, respondent engaged in multiple acts of misconduct. In mitigation, respondent has no prior record of discipline, and is entitled to mitigation for entering into a pretrial stipulation.

In *In the Matter of Stewart* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 52, an experienced family law attorney became involved in an altercation with police who had been summoned when the attorney refused to leave his estranged wife's apartment. He physically struggled with a responding officer and, as a result, was convicted of misdemeanor battery on a police officer. The Court recommended that the attorney be suspended for two years, stayed for two years, with two years of probation, and a 60-day actual suspension. In aggravation, the Court found that the attorney had a prior record of discipline, used alcohol and was indifferent to the seriousness of his misconduct and the potential harm to himself and others that could have resulted from the situation. The Court also considered in aggravation that the attorney provoked a dangerous confrontation with police responding to his own domestic disturbance, notwithstanding all of his experience in handling family law matters. The Court did not note any mitigating circumstances. In discussing the degree of discipline, the Court reviewed past disciplinary conviction referrals in which assaultive behavior was the principle offense. It found that such cases "have generally resulted in suspension of varying degrees. (See *In re Hickey* (1990) 50 Cal.3d 571 [repeated acts of violence toward spouse and others coupled with failure to properly withdraw from legal representation in another matter; no prior record; alcoholism underlaid offense; three year stayed suspension, thirty day actual suspension]; *In re Otto* (1989) 48 Cal.3d 970 [two year stayed suspension, six month actual suspension]; *In re Mostman* (1989) 47 Cal.3d 725 [solicitation to commit assault by means of force likely to produce great bodily harm; five year stayed suspension, two year actual suspension; two reprovls considered]; *In re Larkin* (1989) 48 Cal.3d 236 [assault with a deadly weapon and conspiracy to commit such assault; strong mitigation including no prior record; three year suspension stayed on condition of a one year actual suspension].” *Id.* at 60-61.

Here, like the attorney in *Stewart*, respondent had consumed alcohol before both events leading to his criminal convictions. Unlike the attorney in *Stewart*, respondent does not have a prior record of discipline or aggravation for indifference, and is entitled to mitigation for entering into a stipulation before trial. The attorney in *Stewart* was involved only in one incident, assaulting a police officer, while respondent's misconduct involved two separate incidents. But, in *Stewart*, the attorney provoked the confrontation. Here, the March 3, 2016 incident was initially provoked by Trotter. However, it was respondent who chose to escalate the confrontation. Rather than driving home after Trotter walked into the first crosswalk, respondent followed him on both 41st Street and Piedmont Avenue, continued to argue, made a U-turn and drove back down Piedmont Avenue at a high rate of speed in Trotter's direction, so that Trotter had to sprint out of the street to avoid being hit by respondent's car. Further, while there is not clear and convincing evidence of harm, respondent's conduct in each incident risked significant harm to others. In the first criminal case, respondent risked harm to the paramedics, other drivers and the public by interfering with the on-duty ambulance and causing it to be taken it out of service. In the second criminal case, respondent also risked significant harm to Trotter and others on Piedmont Avenue. Given Trotter's initial provocation, respondent's lack of a prior record of discipline and aggravation for indifference, in addition to mitigative credit for entering into a stipulation, respondent's level of discipline should be somewhat lower than that in *Stewart*.

On balance, a one-year suspension, stayed for two years, probation for two years, with a 30-day actual suspension with ongoing mental health treatment, successful completion of Ethics School and passage of the MPRE, will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of December 1, 2017, the discipline costs in this matter are \$5,640. 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 MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT.

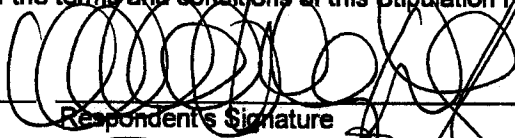
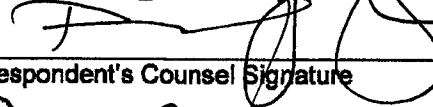
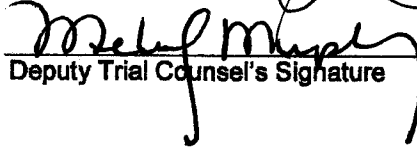
Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: WILLIAM MORGAN DOYLE	Case number(s): 13-C-12808-LMA 16-C-17639-LMA
--	---

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.

6/18/18		William Morgan Doyle Print Name
Date	Respondent's Signature	Print Name
6/18/18		Doron Weinberg Print Name
Date	Respondent's Counsel Signature	Print Name
6/20/18		Melissa G. Murphy Print Name
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: WILLIAM MORGAN DOYLE	Case Number(s): 13-C-12808-LMA 16-C-17639-LMA
---	---

ACTUAL 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.

1. On p. 1, in the case number box, add "Consolidated."
2. On p. 1, in the heading box, delete "Assigned Judge" and insert in its stead, "Settlement Judge."
3. On p. 1, paragraph (3), change "16" to "15," as the stipulation consists of 15 pages, not including the order.
4. On p. 3, paragraph (11), change "page 12" to "pages 11-12."
5. On p. 5, paragraph (9) is checked, as Respondent must comply with his probation conditions imposed in the underlying criminal matter, case No. 16-C-17639, and must so declare in his quarterly reports. (See p. 10, paragraph 17.)
6. On p. 12, first paragraph under No Prior Discipline, delete the first two sentences and insert in its stead: "At the time of respondent's misconduct on November 30, 2012, he had been practicing law for 23 years without a prior record of discipline."

(The time frame to consider Respondent's discipline-free record is from when his first misconduct (November 30, 2012) occurred and not from the date of his conviction. And his second conviction (April 17, 2017) or his second act of misconduct (March 3, 2016) is irrelevant since his first misconduct had already occurred.)

7. On p. 13, second paragraph, in In re Mostman, delete "two reprovls considered" and add "five years' probation."
8. On p. 13, last paragraph, delete "stayed for two years" and insert "stayed" since the stayed suspension is

(Do not write above this line.)

for one year, and not two years.

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

Date

July 6, 2018

Pat McElroy

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 Court Specialist 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 July 6, 2018, 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 San Francisco, California, addressed as follows:

DORON WEINBERG
523 OCTAVIA ST
SAN FRANCISCO, CA 94102 - 4313

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

MELISSA G. MURPHY, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 6, 2018.



Bernadette Molina
Court Specialist
State Bar Court