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State Bar Court of California Hearing Department SAN FRANCISCO ALTERNATIVE DISCIPLINE PROGRAM		
Counsel For The State Bar Sherrie B. McLetchie Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2297 Bar # 85447	13-C-13288 – LMA; 13-C-13289	For Court use only PUBLIC MATTER FILED <i>HL</i> SEP 08 2014 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel for Respondent Samuel C. Bellicini 1575 Treat Blvd., Suite 215 Walnut Creek, CA 94598 (925) 944-5600 Bar # 152191	Submitted to: SETTLEMENT JUDGE	
In the Matter of: ALLISON K. YOUNG Bar # 225655 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS AND CONCLUSIONS OF LAW ALTERNATIVE DISCIPLINE PROGRAM <input type="checkbox"/> 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.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 9, 2003.
- (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 8 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)

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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 7.**
- (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, page 7.

Good Character

Pretrial Stipulation

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: ALLISON K. YOUNG

CASE NUMBER: 13-C-13288; 13-C-13289-LMA

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 13-C-13288-LMA (Conviction Proceeding)

FACTS RE: PROCEDURAL BACKGROUND:

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 June 30, 2005, in Orange County Superior Court, case number 05WM07918, respondent was charged as follows: violation of Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs], a misdemeanor; and 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 an excessive blood alcohol level pursuant to Vehicle Code section 23578.
3. On March 15, 2006, respondent pled guilty to and was convicted of a violation of Vehicle Code section 23152(b), a misdemeanor. On March 15, 2006, the court entered respondent's plea of guilty to a violation of Vehicle Code section 23152(b), a misdemeanor. The court accepted respondent's plea and convicted respondent. The remaining count and special allegation were dismissed in the interest of justice and in view of the plea.
4. On March 15, 2006, the court sentenced respondent to informal probation for a period of three years, subject to the following conditions, among others: violate no law, pay fines and fees totaling \$974, plus any amount still owing under the restitution order; do not drive without possession of valid license and insurance; drive with no measureable level of alcohol in her blood, complete Level 2 First Offender Alcohol Program; submit to chemical testing; disclose terms of probation when asked by law enforcement; and obey all program rules.
5. Respondent did not appeal. The conviction was final when judgment was entered on March 15, 2006.
6. On January 13, 2014, the Review Department of the State Bar Court issued an order referring this 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 AND CIRCUMSTANCES SURROUNDING CONVICTION.

7. On June 30, 2005, at approximately 10:30 p.m., Huntington Beach police officers responded to a call regarding a reckless driver and one officer conducted an investigative stop of respondent's vehicle. Upon arriving at the scene of the stop, the other officer smelled the odor of an alcohol beverage on respondent's breath and person. That officer also noticed that respondent's eyes were bloodshot and watery; her speech was unclear and slurred and she had problems keeping her balance while walking. The officer asked respondent if she had been drinking. Respondent stated that she had "a couple glasses of wine" about three hours prior to the stop.

8. Based on his observations, the officer asked respondent to perform field sobriety tests ("FSTs"). Respondent failed to perform the FSTs properly. Although respondent agreed to submit to a breath test, on two occasions she was unable to follow directions, and the testing had to be discontinued.

9. Based on his observations and respondent's poor performance on the FSTs, the officer arrested respondent for suspicion of driving under the influence of alcohol.

10. Respondent submitted to blood tests while in custody. The blood test results later confirmed that respondent's blood alcohol levels twice measured .21.

CONCLUSION OF LAW:

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

Case No. 13-C-13289-LMA (Conviction Proceeding)

FACTS RE: PROCEDURAL BACKGROUND:

12. 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.

13. On May 29, 2012, in Santa Clara County Superior Court, case number B1260387, respondent was charged as follows: violation of Vehicle Code section 23153(a) [driving under the influence of alcohol or drugs and causing injury], a felony; and violation of Vehicle Code section 23152(b) [driving with a blood alcohol level of .08% or higher and causing injury], a felony. Respondent was also charged with the special allegation of having a prior DUI conviction in violation of Vehicle Code section 23152 and a further allegation that the offenses were committed while respondent's blood alcohol level was in excess of .15 in violation of Vehicle Code section 23578.

14. On January 16, 2013, respondent pled no contest to and was convicted of a violation of Vehicle Code section 23153(b), a felony. On January 16, 2013, the court entered respondent's plea of no contest to violation of Vehicle Code section 23153(b), a felony. Respondent also admitted the special allegation of excessive blood alcohol level [.21] and the prior DUI conviction. The court accepted respondent's plea and convicted respondent. The remaining count was dismissed in the interest of justice and in view of the plea.

15. On March 15, 2013, respondent's felony conviction was reduced to a misdemeanor, pursuant to Penal Code section 17.

16. On March 15, 2013, respondent waived time for sentencing and the court sentenced respondent to formal probation for a period of three years, subject to the following conditions, among others: 90 days in jail, 45 days to be served in a work program and 45 days in a residential treatment program, obey all laws, pay fines and fees totaling \$ 2,335.75; do not drive without possession of valid license and insurance; submit to search and chemical testing, do not frequent locations where alcohol is sold, drive with no measureable level of alcohol in her blood, and complete Multiple Offender Alcohol Program.

17. Respondent did not appeal. The conviction was final when judgment was entered on March 15, 2013.

18. On January 13, 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 AND CIRCUMSTANCES SURROUNDING CONVICTION

19. On May 15, 2012, at approximately 11:30 p.m., Palo Alto police responded to a call of an accident involving respondent in her car and a motorcyclist.

20. The motorcyclist was injured in the accident and transported to Stanford Hospital's emergency room where he remained for 36 hours. His injuries, including to his back, were determined to be non-life threatening.

21. One of the responding officers noted respondent's slow and semi-slurred speech, relaxed facial muscles and odor of alcohol coming from respondent's breath. Respondent told the officers that she had taken an Ambien and consumed one glass of wine. Respondent agreed to perform FSTs. She failed to perform most of the FSTs properly. Respondent declined to submit to a Preliminary Alcohol Screening.

22. The officer arrested respondent for suspicion of driving under the influence of alcohol and prescription medication.

23. Respondent was transported to the police station where her blood was drawn. Test results reflected respondent's blood alcohol level was .21. Respondent was not tested for Ambien.

CONCLUSION OF LAW:

24. 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)): In her second conviction, respondent injured a motorcyclist. Pursuant to order of the Santa Clara Superior Court, respondent is paying the motorcyclist restitution in monthly installments and is scheduled to finish making payments in 2016.

ADDITIONAL MITIGATING CIRCUMSTANCES.

Good Character: Respondent's good character is attested to by references in the legal and general communities who are aware of the full extent of her misconduct. Her five character references, one of whom is an attorney, state that the misconduct at issue focuses on respondent's battles with alcohol and to their knowledge, does not relate to her skills as an attorney or their belief in her as a good and giving person. They know her to be honest, moral, hardworking, trustworthy and compassionate. They also attest to an awareness of and respect for respondent's community activities, particularly dedicated to pro bono work on health law issues by way of donating her time as general counsel to a non-profit and to the production of public television relating to community health issues. (*In the Matter of Myrdall* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 363, 387 [positive character assessments by three attorneys and three clients hardly constituted a broad range of references from the legal and general communities.])

Pretrial Stipulation: Respondent has entered into a stipulation as to facts and conclusions of law with the Office of the Chief Trial Counsel prior to the pretrial conference. (*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 June 26, 2014, the prosecution costs in this matter are \$6,064. 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 MINIMUM CONTINUING LEGAL EDUCATION CREDIT.

Pursuant to rule 3201, respondent may not receive Minimum Continuing Legal Education 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: ALLISON K. YOUNG (SBN # 225655)	Case number(s): 13-C-13288; 13-C-13289-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>7/3/14</u> Date	<u><i>Allison Young</i></u> Respondent's Signature	<u>Allison K.F. Young</u> Print Name
<u>June 2014</u> Date	<u><i>[Signature]</i></u> Respondent's Counsel Signature	<u>Samuel Bellicini</u> Print Name
<u>July 9, 2014</u> Date	<u><i>Sherrie B. McLetchie</i></u> Deputy Trial Counsel's Signature <i>Senior</i>	<u>Sherrie B. McLetchie</u> Print Name

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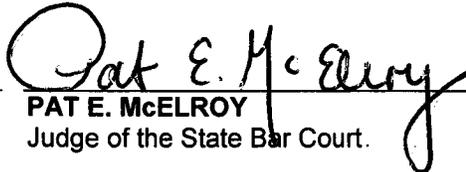
In the Matter of: ALLISON K. YOUNG (SBN 225655)	Case Number(s): 13-C-13288;13-C-13289
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ALTERNATIVE DISCIPLINE PROGRAM ORDER

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. 8, 2014 
PAT E. 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 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 8, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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:

SAMUEL C. BELLICINI
FISHKIN & SLATTER, LLP
1575 TREAT BLVD
STE 215
WALNUT CREEK, CA 94598

- by email, addressed as follows: samuel@fishkinlaw.com
Sherrie.McLetchie@calbar.ca.gov

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

Sherrie McLetchie, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 8, 2014.


Laurretta Cramer
Case Administrator
State Bar Court