State Bar Court of California **Hearing Department** San Francisco **ACTUAL SUSPENSION** Counsel For The State Bar Case Number(s): For Court use only 13-O-14496-PEM Jonathan Ceseña **PUBLIC MATTER Deputy Trial Counsel** 180 Howard Street San Francisco, CA 94105 (415) 538-2183 Bar # 289721 Counsel For Respondent **Donald Mah** STATE BAR COURT CLERK'S OFFICE 609 Jefferson St. Ste C SAN FRANCISCO Fairfield, CA 94533 (707) 803-3944 Submitted to: Settlement Judge Bar # 158045 STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING In the Matter of: **WILLIAM STEER REUSTLE ACTUAL SUSPENSION** Bar # 83707 ☐ PREVIOUS STIPULATION REJECTED 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 November 29, 1978.
- (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 11 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".

(Effective January 1, 2014)

Actual Suspension





(Do	not w	rite abo	ove this line.)		
(6)	T "S	he pa Suppo	rties must inc rting Authorit	lude supporting authority for the recommended level of discipline u y."	nder the heading
(7)		o mor ending	e than 30 da investigatio	ys prior to the filing of this stipulation, Respondent has been advise n/proceeding not resolved by this stipulation, except for criminal inv	d in writing of any estigations
(8)	Pi	aymer	nt of Disciplin	ary Costs—Respondent acknowledges the provisions of Bus. & Pro	of. Code §§6086.10 &
		Co ci in: du Co	osts are to be cles from the cumstances stallment as e and payab	paid in full, Respondent will remain actually suspended from the pred per rule 5.130, Rules of Procedure. It is paid in equal amounts prior to February 1 for the following members effective date of the Supreme Court order in this matter. (His or or other good cause per rule 5.132, Rules of Procedure.) If Respondescribed above, or as may be modified by the State Bar Court, the le immediately. ed in part as set forth in a separate attachment entitled "Partial Waledy waived.	ership years: two billinardship, special ndent fails to pay any eremaining balance is
		rava cond iired		mstances [Standards for Attorney Sanctions for Pro ards 1.2(f) & 1.5]. Facts supporting aggravating circ	fessional umstances are
(1)	⊠ (a)	Prio	or record of State Bar C	discipline Court case # of prior case 07-O-10366 [07-O-10821; 07-O-13242]	
	(b)	\boxtimes		liscipline effective May 21, 2011.	
	(c)			ofessional Conduct/ State Bar Act violations: two counts of Rule 3 3-700(A)(2); 3-700(D)(1); three counts of Business and Profess nd section 6068(i)	-110(A); Rule 3- ons Code section
	(d)	\boxtimes	Degree of p	rior discipline one year suspension, stayed, two years probatio	n .
	(e)	\boxtimes		ent has two or more incidents of prior discipline, use space provided	
		*	State Bar C	ourt case # 93-O-14208, effective December 26, 1996, Business a 3, Private Reproval with public disclosure.	
	2		Please see	stipulation page 8.	
2)		Dish disho Cond	onesty: Resonesty, concelluct.	spondent's misconduct was intentional, surrounded by, or followed calment, overreaching or other violations of the State Bar Act or Ru	by bad faith, les of Professional
3)		Trust to the prope		Trust funds or property were involved and Respondent refused or vison who was the object of the misconduct for improper conduct to	vas unable to account vard said funds or
4)		Harm	: Responde	nt's misconduct harmed significantly a client, the public or the adm	inistration of justice.
•					
ffecti	ve Jai	luary 1,	2014)		

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(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)	\boxtimes	
(8)		Restitution: Respondent failed to make restitution.
(9)		No aggravating circumstances are involved.
Ado	iition	al aggravating circumstances:
		a. aggravating circumstances:
C. I	Mitiç circı	pating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating umstances 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/he 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 testimon 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 stres 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.
(Effect	ive Jar	nuary 1, 2014)

Actual Suspension

(Do no	ot wri	te abo	ve this	line.)	
(11)		Go in t	od CI he leg	naracter: Respondent's extraordinarily good character is attested to by a gal and general communities who are aware of the full extent of his/her mi	wide range of references
(12)		Re	habili	tation: Considerable time has passed since the acts of professional misc by convincing proof of subsequent rehabilitation.	
(13)		No	mitig	ating circumstances are involved.	
Addi	tion	ai mi	itigati	ng circumstances:	
	P	re-tr	ial St	pulation. See Attachment at page 8.	
D. D	_				
(1)	M	Sta	yed S	uspension:	
	(a)	\boxtimes	Res	pondent must be suspended from the practice of law for a period of one	/ear.
		i		and until Respondent shows proof satisfactory to the State Bar Court of present fitness to practice and present learning and ability in the law put 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct	rehabilitation and
		ii.		and until Respondent pays restitution as set forth in the Financial Condithis stipulation.	
		iii.		and until Respondent does the following:	
	(b)	\boxtimes	The	above-referenced suspension is stayed.	
(2)	X	Prot	pation		
	Res _i date	pond of th	ent m ie Sup	ust be placed on probation for a period of two years , which will commend preme Court order in this matter. (See rule 9.18, California Rules of Cour	ce upon the effective
				spension:	•
·. ((a)	\boxtimes	Resp	pondent must be actually suspended from the practice of law in the State	of California for a period
		i.		and until Respondent shows proof satisfactory to the State Bar Court of present fitness to practice and present learning and ability in the law pur 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct	cuant to standard
		ii.		and until Respondent pays restitution as set forth in the Financial Condit this stipulation.	ions form attached to
		iii.		and until Respondent does the following:	
E. Ad	diti	ona	l Co	nditions of Probation:	
1) [•			ent is actually suspended for two years or more, he/she must remain actives to the State Bar Court his/her rehabilitation, fitness to practice, and lew, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for President (1)	
Effective	Jani	uary 1	, 2014)		

Actual Suspension

(Do	not wr	ite above this line.)					
(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					
(5)		probation deputy either in-person or by telephone. During the period of probation, Respondent must meet with the promptly meet with the probation deputy as directed and upon request. 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.					
(10)	\boxtimes	The following conditions are attached hereto and incorporated:					
		☐ Substance Abuse Conditions ☐ Law Office Management Conditions					
		☐ Medical Conditions ☐ Financial Conditions					
F. O	ther	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					
Effecti	ve Jar	fuary 1, 2014)					

		Conference of Bar Examiners, to the Office of Probatio one year, whichever period is longer. Failure to pass further hearing until passage. But see rule 9.10(b), (E), Rules of Procedure.					
		☐ No MPRE recommended. Reason:					
(2)		Rule 9.20, California Rules of Court: Respondent me California Rules of Court, and perform the acts specifie and 40 calendar days, respectively, after the effective of	/ IN AL	بتجزئ بفاحط	/	mal (-1 - 2 () - 4 ()	
(3)		Conditional Rule 9.20, California Rules of Court: If days or more, he/she must comply with the requirement perform the acts specified in subdivisions (a) and (c) of respectively, after the effective date of the Supreme Co	Respo	ndent r	emains a	actually suspende	d for 90
(4)	П	and the control of th				:	
		Credit for Interim Suspension [conviction referral caperiod of his/her interim suspension toward the stipulate commencement of interim suspension:	ases o ed peri	od of a	ctual sus	ent will be credite pension. Date of	d for the
(5)		Farrage at the civiliant and deligible to the civiliant	ases o	od of a	tesponde ctual sus	ent will be credite pension. Date of	d for the
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ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

WILLIAM STEER REUSTLE

CASE NUMBER:

13-O-14496-PEM

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 13-O-14496-PEM (Probation Violation)

FACTS:

- 1. On April 21, 2011, the Supreme Court, in case number S190537, entered an order suspending respondent from the practice of law for one year, the execution of that suspension was stayed, and respondent was placed on probation for two years. The conditions attached to the suspension were specified in the Hearing Department's decision filed on December 14, 2010, in case number 07-O-10366. Shortly after April 21, 2011, respondent received the suspension order.
- 2. The suspension and order became effective May 21, 2011, and remained in full force and effect until May 21, 2013.
- 3. Pursuant to the suspension order, respondent was ordered to comply with the following conditions:
 - Submit written quarterly reports to Office of Probation on July 10, 2011, October 10, 2011, January 10, 2011, April 10, 2012, July 10, 2012, October 10, 2012, January 10, 2013, and April 10, 2013;
 - b. Submit a written final report to Office of Probation no later than May 21, 2013;
 - c. Provide to the Office of Probation a satisfactory Law Office Management Plan no later than August 19, 2011; and
 - d. Provide to the Office of Probation proof of attendance of Ethics School no later than May 21, 2012.
 - 4. Respondent failed to timely submit the quarterly report due on October 10, 2011.
 - 5. Respondent failed to timely submit the final report due on May 21, 2013.
 - 6. Respondent failed to submit a Law Office Management Plan by August 19, 2011.

7. Respondent failed to provide proof of attendance of Ethics School to the Office of Probation by May 21, 2012.

CONCLUSIONS OF LAW:

8. By failing to timely submit the quarterly report due on October 10, 2011, by failing to timely submit the final report due on May 21, 2013, by failing to provide proof of attendance of Ethics School by May 21, 2012, and by failing to submit a Law Office Management Plan by August 19, 2011, respondent failed to comply with conditions attached to his probation in willful violation Business and Professions Code 6068 (k).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has been a member of the State Bar since November 29, 1978, and has been disciplined on two prior occasions. In 1996, respondent received a private reproval with public disclosure for failing to abide by a court order. In 2011, respondent successfully completed ADP and received a one year stayed suspension and two years probation for committing nine acts of misconduct in three matters, including failing to perform legal services competently, failing to take steps to avoid prejudice to his client, failing to keep his client reasonably informed of significant developments, failing to refund an unearned fee, failing to return client papers, and failing to cooperate with the State Bar's investigation.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's present misconduct involves several failings to comply with the conditions of his probation and represents multiple acts of misconduct. See In the Matter of Tiernan (Review Dept. 1996) 3 Cal State Bar Ct. Rptr. 523, 529 [holding that a failure to cooperate with the probation monitor and failure to timely file probation reports constituted multiple acts of misconduct].

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Pre-trial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (In the Matter of Downey (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; In the Matter of Van Sickle (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994.)

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 2.10 establishes that "[a]ctual suspension is appropriate for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders."

Standard 1.8(b) states, "If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct: 1. Actual suspension was ordered in any one of the prior disciplinary matters; 2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or 3. The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities."

Under standard 1.8(b), two of the three factors are not present; respondent has not received an actual suspension and his conduct does not demonstrate a pattern. Therefore, disbarment under 1.8(b) would not be appropriate; an actual suspension pursuant to standard 2.10 is appropriate.

Here, respondent has failed to comply with four requirements of his probation. However, respondent has made attempts to satisfy the terms of his probation. Respondent timely submitted seven of his nine quarterly reports, with the exception of the October 10, 2011 quarterly report, which was submitted one day late, and the May 21, 2013 final report, which was submitted one month late. Respondent attended Ethics School as required but failed to timely submit proof of attendance. Respondent submitted four Law Office Management Plans ("LOMP"), but despite modifying each LOMP, they were not approved by the Office of Probation. Pursuant to standard 2.10, respondent's failure to comply with probation conditions warrant discipline. The degree of discipline depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders. Here, respondent has agreed to enter into a pretrial stipulation, thereby recognizing and taking responsibility for his failure to fully comply with the terms of his probation and demonstrating his willingness and ability to conform to the ethical responsibilities required of all attorneys. In aggravation, respondent has a prior record of discipline involving two separate instances of misconduct, the most recent of which occurred in 2011. Taking into account the applicable standard and the surrounding circumstances, the purposes of attorney discipline will be served by the imposition of a one year suspension, stayed, two years probation and sixty days actual suspension.

Case law is also instructive as to the level of discipline. In Conroy v. State Bar (1990) 51 Cal.3d 799, the attorney violated the terms of a reproval and then defaulted in the disciplinary proceeding. The Court imposed a one-year stayed suspension with 60-day actual suspension, finding that the attorney's non-compliance with the reproval conditions and failure to participate in the disciplinary proceedings evidenced a contemptuous attitude toward the disciplinary proceedings and failure to acknowledge the wrongfulness of his acts. (Id. at pp. 805-806). In this matter, respondent did not comply with his probation conditions however he made attempts to come into compliance with those conditions. Due to the serious nature of a probation violation tempered by respondent's cooperation and willingness to comply with the probation conditions, discipline in line with Conroy is justified.

Balancing the current misconduct, respondent's attempts to comply with probation, the limited mitigation and the aggravating factors, a one-year stayed suspension, two years probation, and a 60-day actual suspension serves the purposes of State Bar discipline and public protection.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 30, 2014, the prosecution costs in this matter are \$3,497.00. 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.

(Do not write above this line.)		
In the Matter of: WILLIAM STEER REUSTLE	Case number(s): 13-O-14496	

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.

8/25/2014		William Steer Reustle
Date /	Respondent's Signature	Print Name
	<i>N/</i> A	
Date	Respondent's Counsel Signature	Print Name
8 26 2014	Sarathan Cescin	Jonathan Ceseña
Date	Deputy Trial Counsel's Signature	Print Name

Date

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 4, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a se	ealed envelope for collection and mailing on that date as follows:
XI.	by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:
	WILLIAM STEER REUSTLE 609 JEFFERSON ST STE G-1 FAIRFIELD, CA 94533
	by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
	by overnight mail at , California, addressed as follows:
	by fax transmission, at fax number . No error was reported by the fax machine that I used.
	By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
\boxtimes	by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:
	Jonathan Cesena, Enforcement, San Francisco Terrie Goldade, Probation, Los Angeles
herel Septer	by certify that the foregoing is true and correct. Executed in San Francisco, California, on mber 4, 2014.

Case Administrator State Bar Court