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State Bar Court of California Hearing Department San Francisco REPROVAL		
Counsel For The State Bar Catherine Taylor Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2537 Bar # 210540	Case Number(s): 14-C-00992-LMA	For Court use only PUBLIC MATTER FILED ✓ MAY - 5 2015 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Andrew P. Sclar Ericksen Arbuthnot 100 Bush Street, Suite 900 San Francisco, CA 94104 (415) 362-7126 Bar # 112022	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: GARY RICHARD CLOUTIER Bar # 158033 A Member of the State Bar of California (Respondent)	PRIVATE REPROVAL <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 8, 1992.
- (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."

(Effective January 1, 2014)

Reproval



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- (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):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
 - Case ineligible for costs (private reproof).
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline

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- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **See Attachment at p. 7.**
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.

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- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation: See Attachment at p. 7.

No Prior Discipline: See Attachment at p. 7.

Emotional/Physical Difficulties: See Attachment at p. 7.

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).
- or
- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproof:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **one year**.
- (2) During the condition period attached to the reproof, 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

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probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reprobation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reprobation during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reprobation.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.

No MPRE recommended. Reason: **Respondent's misconduct did not occur within the practice of law. The protection of the public and the interests of the Respondent do not require passage of the MPRE in this case. (In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181).**

- (11) The following conditions are attached hereto and incorporated:

- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

See p. 6.

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Additional Repeval Conditions:

Respondent recognizes that a repeat conviction for DUI suggests an alcohol and/or drug problem that needs to be addressed before it affects Respondent's legal practice. Respondent agrees to take the steps necessary to control the use of alcohol and/or drugs such that it will not affect Respondent's law practice in the future. Respondent's agreement to participate in an abstinence-based self-help group (as defined herein), as a condition of discipline, is part of Respondent's efforts to address such concerns.

As a condition of repeval, and during the period of repeval, Respondent must attend a minimum of two (2) meetings per month of any abstinence-based self-help group of Respondent's choosing, including without limitation Alcoholics Anonymous, Narcotics Anonymous, LifeRing, S.M.A.R.T., S.O.S., etc. Other self-help maintenance programs are acceptable if they include a subculture to support recovery, including abstinence-based group meetings. (See O'Conner v. Calif. (C.D. Calif. 1994) 855 F. Supp. 303 [no First Amendment violation where probationer given choice between AA and secular program.]) Respondent is encouraged, but not required, to obtain a "sponsor" during the term of participation in these meetings.

The program called "Moderation Management" is not acceptable because it is not abstinence-based and allows the participant to continue consuming alcohol.

Respondent must contact the Office of Probation and obtain written approval for the program Respondent has selected prior to attending the first self-help group meeting. If Respondent wants to change groups, Respondent must first obtain the Office of Probation's written approval prior to attending a meeting with the new self-help group.

Respondent must provide to the Office of Probation satisfactory proof of attendance of the meetings set forth herein with each Quarterly Report submitted to the Office of Probation. Respondent may not sign as the verifier of his or her own attendance.

Respondent is encouraged, but is not required, to participate in the Lawyers' Assistance Program, to abstain from alcohol and illegal drugs, and to undergo random urinalysis testing to complement abstinence.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GARY RICHARD CLOUTIER
CASE NUMBER: 14-C-00992

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 14-C-00992 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

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 November 6, 2008, Fresno County District Attorney's Office filed a misdemeanor complaint against respondent alleging violations of Count 1 Vehicle Code §23152(b) [Driving with .08% or higher blood alcohol] with enhancement Vehicle Code §23578 [blood alcohol higher than .15%]; and Count 2 Vehicle Code §23152(a) [driving under the influence of alcohol or drugs] with enhancement Vehicle Code §23578 [blood alcohol higher than .15%].
3. On January 21, 2009, respondent pled *nolo contendere* to Count 1 Vehicle Code §23152(b) and the parties stipulated respondent's blood alcohol was .14%. The People moved to strike the enhancement, and the court granted the motion. The remaining counts were dismissed.
4. On January 21, 2009, the court found respondent guilty based on his plea and he was sentenced to 36 months probation, including do not drive with alcohol in blood, complete Alcohol Program, search terms and 90 days jail, stayed, credit one day. Respondent's probation expired without incident January 19, 2012.
5. On February 5, 2014, respondent notified the State Bar of his 2009 DUI conviction. Respondent had a 2001 DUI conviction which was not considered as a prior offense in his 2009 DUI conviction.
6. On January 8, 2015, 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(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

7. On September 14, 2008, at approximately 0110 hours, Fresno CHP officers stopped respondent for no registration and weaving within the lane.

8. At contact, the officer noticed the odor of an alcoholic beverage and respondent admitted he had been drinking when asked.

9. Field sobriety tests were administered, including the PAS device, which revealed respondent's blood alcohol to be .174% and .189%.

10. Post-arrest chemical tests revealed respondent's blood alcohol to be .19% and .18%.

CONCLUSIONS OF LAW:

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

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent stipulates to the facts without hearing and is willing to enter into this stipulation, thereby saving the State Bar 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].)

No prior discipline: Respondent was admitted in 1992 and had nine years of discipline-free practice before his first DUI arrest in August 2001. Respondent requested he be placed on voluntary inactive status from the practice of law between June 2009 and January 2014; once he completed his self-initiated alcohol treatment program, he resumed active status as an attorney in January 2014. Respondent is entitled to some mitigating credit for no prior discipline, even where the misconduct is found to be serious or significant. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Candor/Cooperation (Std. 1.6(e)): Respondent self-reported his 2009 conviction prior to State Bar action.

Emotional/Physical Difficulties: Respondent's alcohol abuse is at the root of his misconduct—driving under the influence of alcohol. In the Fall of 2013, respondent ultimately sought treatment voluntarily for his alcohol dependency, independent of and prior to State Bar action, and has maintained his sobriety since October 2013 (as documented by letters from those with whom respondent socializes). Respondent's treatment was *not* court-ordered or a term of probation (Respondent's criminal probation expired without incident on January 20, 2012).

Respondent provides statements from two friends attesting to his sobriety; one letter from a colleague who praises his professional work and commitment to social justice, particularly regarding HIV-status discrimination; and another letter from his current employer, emphasizing respondent's conscientious work in tenants' rights cases. (*In the Matter of Deierling* (Review Dept. 1991) 1 Cal.

State Bar Ct. Rptr. 552 [Although the Supreme Court requires that lawyers' claims in mitigation based upon substance abuse show adequate evidence of a causal connection between the abuse and misconduct and a meaningful and sustained rehabilitative period, the Court does not require that the respondent's rehabilitation be complete to qualify as mitigation].)

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).)

Here, respondent was convicted of misdemeanor DUI in 2009. Although the facts and circumstances of his arrest reveal a blood alcohol content ("BAC") at twice the legal limit, they do not rise to moral turpitude. *In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208 [Supreme Court has held that an attorney's conviction for drunk driving does not per se establish moral turpitude, even when the attorney has prior convictions for that offense]. Standard 2.12 governs criminal convictions not involving moral turpitude and subsection (b) provides for suspension or reproof for misconduct warranting discipline. Respondent's misconduct warrants discipline because it is the second alcohol-related driving offense for which respondent has been convicted and involved a high BAC, regardless of the stipulated BAC he pled to.

In *In re Kelley* (1990) 52 Cal. 3d 487, the attorney, Kelley, while on criminal probation for a DUI offense, was arrested and convicted for DUI. The analysis centered around Kelley's disregard for the court's authority and public safety. The court imposed a public reproof.

The Court in *Kelley* found that the two convictions and their circumstances indicated a problem with alcohol abuse. However, the Court was careful to note, that "[b]oth problems, *if not checked*, may spill

over into petitioner's professional practice and adversely affect her representation of clients and her practice of law. Our task in disciplinary cases is preventative, protective and remedial, not punitive" (emphasis added). *Id.*, at 496.

The court also recognized that "[g]enerally, we may regard addictive alcoholism as a mitigating factor if it is causally related to the misconduct at issue and the attorney has shown sustained rehabilitative efforts." *Id.*, at 498, citing *In re Billings* (1990) 50 Cal. 3d 358, 367. Kelley made no attempt to show rehabilitation and simply maintained she had no alcohol problem. "[Kelley's] failure to recognize the problem, its effect on her private life and its potential effect on her professional practice, heighten the need for discipline." *Id.*, at 498.

Though respondent has two alcohol-related offenses like *Kelley*, respondent's misconduct is distinguishable primarily based on his self-initiated rehabilitative efforts-- after his convictions but before his involvement in these disciplinary proceedings. Respondent, unlike *Kelley*, recognized he had a problem, its effect on his private life and sought help on his own—not under court supervision or as a term of probation. Respondent put himself on voluntary inactive status as a member of the bar while he sought treatment, distinguishing himself from the attorney in *Kelley*. Kelley denied she had an alcohol problem and posed a risk of a "potential effect on her professional practice."

While it can be argued that respondent's second arrest for essentially the same offense (driving under the influence of alcohol) demonstrates respondent's disregard for public safety, respondent's misconduct was clearly caused by his admitted alcohol addiction—for which he voluntarily sought treatment in 2013 and has since maintained his sobriety. As the court pointed out in the *Kelley* analysis, respondent's alcoholism can be argued in mitigation in this disciplinary proceeding because 1) it is causally related to the misconduct; and 2) respondent has shown sustained rehabilitative efforts, including residential treatment for alcohol addiction and a commitment to a sober lifestyle, including a regular running program.

Also, respondent's first offense resulted in a "wet-reckless" conviction and was not a priorable offense at the time of respondent's second DUI arrest. The offense dates were over seven years apart and respondent was not subject to the court's supervision via probation at the time of his second arrest. In contrast, the attorney in *Kelley* was on criminal probation at the time of the second arrest.

Respondent has four factors in mitigation and none in aggravation. There is a clear nexus between respondent's alcohol abuse and his criminal conduct. In September 2013, respondent voluntarily entered a residential treatment program to deal with his alcohol addiction. Since October 2013, respondent has maintained his sobriety. The overall circumstances of respondent's path to sobriety, particularly his self-initiated efforts in admitting his alcohol problem and seeking treatment, while voluntarily removing himself from the practice of law, place him in stark contrast to *Kelley*. Given respondent's demonstrated rehabilitation in the intervening months before the State Bar learned of the 2009 DUI conviction, the purposes of attorney discipline can be satisfied by a private reproof.

EXCLUSION FROM MCLE CREDIT

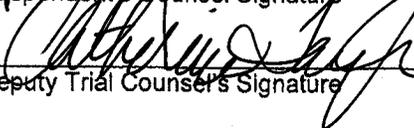
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: GARY RICHARD CLOUTIER	Case number(s): 14-C-00992-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.

5/1/2015		GARY R. CLOUTIER
Date	Respondent's Signature	Print Name
5/1/2015		ANDREW P. SCLAR
Date	Respondent's Counsel Signature	Print Name
5.4.15		CATHERINE E. TAYLOR
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter of: GARY RICHARD CLOUTIER	Case Number(s): 14-C-00992
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REPROVAL ORDER

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

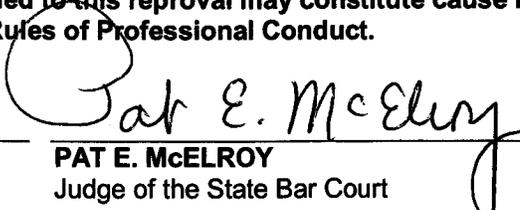
- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

Date

May 5, 2015


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 May 5, 2015, 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:

GARY R. CLOUTIER
RESOLUTION LAW FIRM
260 CALIFORNIA ST FL 10
SAN FRANCISCO, CA 94111

ANDREW P. SCLAR
ERICKSEN ARBUTHNOT
100 BUSH ST STE 900
SAN FRANCISCO, CA 94104

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

CATHERINE E. TAYLOR, Enforcement, San Francisco
TERRIE GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 5, 2015.



Mazie Yip
Case Administrator
State Bar Court