

(Do not write above this line.)

**State Bar Court of California  
Hearing Department  
Los Angeles  
STAYED SUSPENSION**

**ORIGINAL**

<b>Counsel For The State Bar</b>  <b>Jamie Kim</b> <b>Deputy Trial Counsel</b> <b>845 S. Figueroa St.</b> <b>Los Angeles, CA 90017</b> <b>(213) 765-1182</b>  <b>Bar # 281574</b>	<b>Case Number(s):</b> <b>14-C-02544-YDR</b>	<b>For Court use only</b>  <b>FILED</b> <b>MAY 12 2015</b> <b>STATE BAR COURT</b> <b>CLERK'S OFFICE</b> <b>LOS ANGELES</b>
<b>Counsel For Respondent</b>  <b>Catherine Swysen</b> <b>125 East De La Guerra St.</b> <b>Suite 102</b> <b>Santa Barbara, CA 93101</b> <b>(805) 963-7311</b>  <b>Bar # 171929</b>	<b>PUBLIC MATTER</b>	
<b>In the Matter of:</b> <b>DAVID ELLIS REESE</b>  <b>Bar # 132733</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>	<b>Submitted to: Assigned Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING</b>  <b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	

**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 **December 11, 1987**.
- (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 **12** 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."



(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):
- ☐ Costs are added to membership fee for calendar year following effective date of discipline.
- ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of the Supreme Court order.** (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(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
- (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.

(Do not write above this line.)

- (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**

Harm to the Public, see Stipulation, page 9-10.

**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.
- (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.
- (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.

(Do not write above this line.)

---

(13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

**No Prior Record of Discipline and Pre-trial Stipulation, see Stipulation, page 10.**

#### D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **one year**.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the 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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

#### E. Additional Conditions of Probation:

- (1) ☐ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ 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.
- (3) ☒ 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.
- (4) ☒ 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.

- (5) ☐ 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.

- (6) ☒ 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.
- (7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☒ 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.
- (9) ☐ 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:

- (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 within one year. **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) ☒ **Other Conditions:**

**Additional Probation Condition:**

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 probation and during the period of probation 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.

(Do not write above this line.)

---

**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:                      DAVID ELLIS REESE

CASE NUMBER:                          14-C-02544

**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-02544 (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 13, 2013, the District Attorney for Santa Barbara County filed a misdemeanor complaint in Santa Barbara County Superior Court, case number 1442189, charging respondent with one count of violation of Vehicle Code section 23152(a) (driving under the influence of alcohol or drugs) and one count of violation of Vehicle Code section 16028(a) (failure to provide evidence of financial responsibility). The complaint further alleged that respondent had a prior conviction for violation of Vehicle Code section 23152(a) (driving under the influence) committed on June 15, 2005.

3. On July 8, 2014, the court permitted the District Attorney to dismiss the second count of the misdemeanor complaint regarding Vehicle Code section 16028(a). Respondent waived his right to a trial, pled no contest to a misdemeanor violation of Vehicle Code section 23152(a) and was convicted of same.

4. At the time of the entry of the plea, the court sentenced respondent to 365 days in Santa Barbara County Jail, which was stayed, and placed respondent on unsupervised probation for three years, including 60 days in Santa Barbara County Jail. The conditions of his probation were that he not drive while under the influence of drugs or alcohol, not possess or use any drugs or narcotics unless prescribed by a licensed physician, report his conviction to the State Bar and participate in at least 18 months and successfully complete a state licensed education and counseling program for multiple offenders.

5. On December 18, 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:

6. On November 2, 2013, at about 1:05 p.m., respondent was driving while under the influence of methamphetamines in Santa Barbara County when he hit the back bumper of a vehicle belonging to Ms. G that was parked on the right side of a street. When respondent rear-ended Ms. G's vehicle, the force of the impact pushed Ms. G's vehicle forward and into another parked vehicle, which belonged to Ms. S. Officers observed tire marks four feet long left by both Ms. G's and Ms. S's vehicles.

7. On November 2, 2013, Officers Russell and Cipres of the Santa Barbara Police Department ("SBPD") arrived at the scene of the collision in response to a report made by Mr. B, a witness who heard the collision and then went to the scene of the accident. Respondent informed the officers that he had only slept one hour the night before because he had been "doing school work" and had fallen asleep while driving before the collision. He acknowledged that he had had "a couple of drinks" the night before. Officer Cipres did not notice any odor of alcohol emitting from respondent, but noticed that respondent's speech was slow and slurred and that he was off balance. Officer Cipres asked respondent whether he had taken any medication before driving and respondent stated he had recently taken Cogentin and Lorazepam. Officer Cipres then administered a Walk and Turn evaluation, during which respondent fell, could not maintain his balance, incorrectly counted his steps and stepped out of the line. Respondent was also asked to stand on one leg, which he attempted, but swayed heavily. Officer Cipres also administered a Romberg Balance test, that respondent did not successfully complete. Officer Cipres concluded that respondent was driving under the influence of drugs or alcohol based on respondent's performance in the evaluations and his statements. Officer Russell noted in his Traffic Collision Report that respondent denied hearing or feeling the impact of the collision.

8. Respondent was arrested for violation of Vehicle Code section 23152(a) and transported to SBPD where he provided a urine sample for testing. The sample was sent to the Department of Justice and tested positive for methamphetamines. Respondent was then issued an order to appear in court for his violations of Vehicle Code sections 23152(a), driving under the influence of drugs, and 16028(a), lack of proof of insurance. At the time of the accident, respondent did have auto insurance with CAA South Central Ontario. Respondent's vehicle was towed.

9. Following his arrest, respondent took serious steps to ensure recovery and prevent any relapse. On March 8, 2014, respondent was discharged from a residential center after completing a 28 day in-patient drug and alcohol rehabilitation program. Since being discharged, respondent has been living in a sober living facility, where he has been volunteering in recovery meetings and meditation meetings. Respondent has also taken an active role in helping others overcome their addiction by volunteering as a speaker at Alcoholics Anonymous meetings for patients at local hospitals and other institutions.

## CONCLUSIONS OF LAW:

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

## AGGRAVATING CIRCUMSTANCES.

**Harm to the Public:** Respondent's actions caused property damage to two other vehicles. Respondent's auto insurance company paid Ms. S \$500 for damage suffered to her vehicle. The amount of the cost to repair Ms. G's vehicle is unknown. While the harm was not significant to the public, it is

still aggravating. (See *In the Matter of Casey* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117, 126 [client incurred significant harm by having to hire a new attorney and incur additional attorney fees].)

#### MITIGATING CIRCUMSTANCES.

**No Prior Record of Discipline:** Respondent was admitted to the State Bar on December 11, 1987 and has no record of prior discipline. Respondent has not practiced law since 2011. At the time of the misconduct, he had practiced law for approximately 24 years, which is entitled to significant weight in mitigation. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 598 [over 10 years without prior discipline entitled to significant weight in mitigation].)

**Pre-trial Stipulation:** Respondent is entitled to mitigation for entering into this stipulation prior to trial, thereby saving 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].)

#### 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.4<sup>th</sup> 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 Silvertown* (2005) 36 Cal.4<sup>th</sup> 81, 92, quoting *In re Brown* (1995) 12 Cal.4<sup>th</sup> 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 mitigation 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).)

Respondent’s misconduct of driving under the influence of drugs is not a crime involving moral turpitude per se. (*In re Kelley* (1990) 52 Cal.3d 487, 494.) The facts and circumstances surrounding respondent’s misconduct also did not involve moral turpitude as they did not involve an “extremely repugnant” crime or an act of dishonesty. (*Id.*) Respondent’s conduct was not related to the practice of law. Respondent’s misconduct was nonetheless serious as respondent took methamphetamines, an illegal drug, and put the public in danger. When officers arrived at the scene

of the collision, respondent disclosed that he had fallen asleep while driving but did not disclose that he had taken methamphetamines when asked by the officers whether he had taken any medications. Respondent's decision to drive while he was under the influence of drugs caused property damage to two other vehicles and posed the threat of more severe harm. This was also respondent's second criminal conviction for driving while under the influence. Therefore, respondent's misconduct here warrants discipline.

The applicable Standard here is Standard 2.12(b), which provides for suspension or reproof for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline. Respondent's misconduct is significantly mitigated by respondent's 24 years in practice without a prior record of discipline and his willingness to settle this matter prior to a trial. However, the facts and circumstances surrounding respondent's offense involved aggravating factors including the fact that respondent has a prior conviction for driving under the influence, he was under the influence of an illegal drug and he caused a collision damaging two other vehicles. These facts indicate that public discipline is warranted, but because the mitigation here is significant, discipline should be on the lower end of the range of discipline provided for in the Standard. A stayed suspension is appropriate to serve the goals of protection of the public, the courts, and the legal profession; maintenance of high professional standards by attorneys; and preservation of public confidence in the legal profession.

This is consistent with case law. In *In re Kelley*, *supra*, 52 Cal.3d 487, an attorney was convicted twice of driving under the influence of alcohol within a 31-month period. Her second incident occurred while she was on probation for the first. The attorney had no prior record of discipline and was publicly reproofed and referred to the State Bar Program for Alcohol Abuse. The Supreme Court stressed that the attorney's conduct, though it had not caused specific harm, was in violation of a court order pertaining to the attorney's criminal probation.

Like the attorney in *In re Kelley*, respondent has been twice convicted for driving under the influence and has no prior record of discipline. While respondent was not in violation of a court order, respondent's conduct caused specific harm to the public by causing property damage to two other vehicles and was notably caused by respondent taking an illegal drug. The similarities show that a level of discipline on the lower end of the range provided for in the Standard is appropriate. However, in light of the harm to the public and the illegal drug involved, the discipline here should be more severe than that in *Kelley*.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 22, 2015, the prosecution costs in this matter are \$2,447.00. 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.

#### **EXCLUSION FROM MCLE CREDIT**

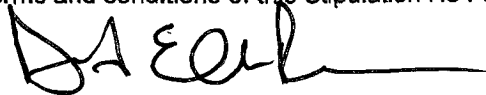
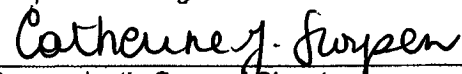
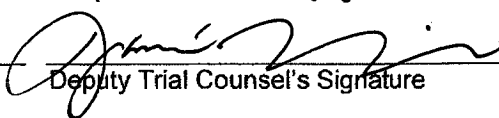
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: DAVID ELLIS REESE	Case number(s): 14-C-02544-YDR
--	-----------------------------------

### 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.

4/29/2015		David Ellis Reese
Date	Respondent's Signature	Print Name
4/29/2015		Catherine Swysen
Date	Respondent's Counsel Signature	Print Name
4/30/2015		Jamie Kim
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of:  
DAVID ELLIS REESE

Case Number(s):  
14-C-02544-YDR

### STAYED 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. Page 3, (9) check box X No aggravating circumstances are involved.
2. Page 3, (1) check box X No Prior Discipline.
3. Page 3, (3) check box X Candor/Cooperation.
4. Pages 9-10 DELETE the paragraph entitled Harm to the Public, in its entirety. Under standard 1.5(f), only significant harm established by clear and convincing evidence can constitute aggravation. The parties admit that "the harm was not significant to the public". See In the Matter of Casey (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117, 126.

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.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

  
YVETTE D. ROLAND  
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 Los Angeles, on May 12, 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:

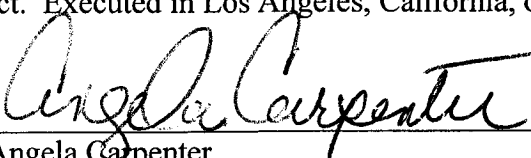
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CATHERINE J. SWYSEN  
SANGER SWYSEN & DUNKLE  
125 E DE LA GUERRA ST STE 102  
SANTA BARBARA, CA 93101

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

JAMIE KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 12, 2015.

  
\_\_\_\_\_  
Angela Carpenter  
Case Administrator  
State Bar Court