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<b>State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION</b>		
<p>Counsel For The State Bar</p> <p><b>Manuel Jimenez</b> Senior Trial Counsel 180 Howard Street San Francisco, CA 94105-1639 (415) 538-2288</p> <p>Bar # 218234</p>	<p>Case Number(s): 14-C-04760-LMA 14-C-04761 14-C-04762 14-C-04763 (Cons.)</p>	<p>For Court use only</p> <p style="text-align: center;"><b>PUBLIC MATTER</b></p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">NOV 18 2016 </p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p><b>Samuel C. Bellicini</b> 1005 Northgate Drive, Ste. 240 San Rafael, CA 94903 (415) 298-7284</p> <p>Bar # 152191</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>JOSEPH LAMON WRIGHT</b></p> <p>Bar # 239838</p> <p>A Member of the State Bar of California (Respondent)</p>		

**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 2, 2005**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **16** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Effective July 1, 2015)

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Actual Suspension

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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

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

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

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

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**No Prior Discipline, See Attachment, p. 12.**  
**Pretrial Stipulation, See Attachment, p. 12.**  
**Substance Abuse Treatment, See Attachment, p. 12.**

#### **D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **six (6) months**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

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

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|--|---|
| <input checked="" 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: **February 2, 2016.**
- (5)  **Other Conditions:**

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:    JOSEPH LAMON WRIGHT

CASE NUMBERS:    14-C-04760 [14-C-04761, 14-C-04762, 14-C-04763]

**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-04760 (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 February 1, 2008, the California Highway Patrol filed a criminal complaint in the Superior Court for the County of Stanislaus, case no. 1240857, charging respondent with one misdemeanor count each of violation of Vehicle Code section 23152(a) [Driving under the Influence] and Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol]. For each count, the complaint alleged a special allegation pursuant to California Vehicle Code section 23578, charging that respondent had a blood alcohol content of .15% or higher.
3. On October 3, 2008, the court entered respondent's plea of nolo contendere to Count 2, a violation of Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol], with a blood alcohol content of .15% or higher, a misdemeanor, and based thereon, the court found respondent guilty of that count. The respondent stipulated to a .18% blood alcohol content. Pursuant to a plea agreement, the court dismissed the remaining count.
4. On October 3, 2008, the court suspended the imposition of sentence and placed respondent on informal probation for a period of three years. The court ordered that respondent, among other things, shall not drive with any measurable amount of alcohol in his blood, shall not drive a motor vehicle unless properly licensed and insured, shall complete a Drinking Drivers Program, and pay a total in fines of \$1,541, as well as other conditions.
5. On July 14, 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:

6. On December 29, 2007, respondent was arrested for driving under the influence of alcohol. A subsequent forensic alcohol analysis of respondent's blood indicated a blood alcohol content of .18%.

CONCLUSIONS OF LAW:

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

Case No. 14-C-04761 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

8. 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.

9. On July 16, 2013, the Madera County District Attorney filed a criminal complaint in the Superior Court for the County of Madera, case no. CCR042587, charging respondent with one misdemeanor count each of violation of Vehicle Code section 23152(a) [Driving under the Influence] and Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol]. For each count, the complaint alleged a special allegation pursuant to California Vehicle Code section 23578, charging that respondent had a blood alcohol content of .15% or higher.

10. On September 12, 2013, the court entered respondent's plea of guilty to Count 2, a violation of Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol], with a blood alcohol content of .15% or higher, a misdemeanor, and based thereon, the court found respondent guilty of that count. Pursuant to a plea agreement, the court dismissed the remaining charge.

11. On September 12, 2013, the court sentenced respondent to 3 days jail, with 3 days credit for time served, and otherwise suspended the imposition of sentence and placed respondent on bench probation for a period of three years. The court ordered that respondent, among other things, shall not drive with any measurable amount of alcohol in his blood, shall not drive a motor vehicle unless properly licensed and insured, shall complete a Drinking Drivers Program, and pay a total in fines of \$1,684, as well as other conditions

12. On July 14, 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:

13. On February 3, 2013, 10:25 p.m., respondent was weaving from side-to-side while traveling southbound on State Route 99. A California Highway Patrol officer conducted a traffic stop of respondent's vehicle on southbound State Route 99 near Avenue 9, in Madera County. Respondent's



eyes were red and watery, and there was odor of an alcoholic beverage coming from inside the vehicle. When the officer had respondent exit the vehicle, respondent was unsteady on his feet. The officer asked respondent how much alcohol he had to drink, and respondent stated, "nothing." The officer stated that he could smell alcohol on respondent, and repeated the question. Respondent stated that he had not consumed any alcohol. Respondent's misrepresentations to the police officer were acts of moral turpitude.

14. The officer conducted, and respondent failed, a field sobriety test. The officers arrested respondent for violating Vehicle Code section 23152(a) [Driving under the Influence] and Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol].

15. A subsequent forensic alcohol analysis of respondent's blood indicated a blood alcohol content of .21%.

#### CONCLUSIONS OF LAW:

16. The facts and circumstances surrounding the above-described violation involved moral turpitude.

#### Case No. 14-C-04763 (Conviction Proceedings)

#### PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

17. 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.

18. On September 24, 2013, the Sutter County District Attorney filed a criminal complaint in the Superior Court for the County of Sutter, case no. CRTR-13-2336, charging respondent with one misdemeanor count each of violation of Vehicle Code section 23152(a) [Driving under the Influence]; violation of Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol], with the special allegation pursuant to California Vehicle Code section 23578, that respondent had a blood alcohol content of .15% or higher; violation of Vehicle Code section 14601.2(a) [Driving When Privilege Suspended for Prior DUI Conviction]; and an infraction for violation of Vehicle Code section 23222(a) [Driving with an Alcoholic Beverage Open Container]. The complaint further alleged a special allegation pursuant to Vehicle Code section 23152 that respondent had prior conviction for driving under the influence.

19. On September 30, 2013, the court entered respondent's plea of guilty to Count 2, a violation of Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol], with the admission of having one prior conviction, pursuant to Vehicle Code section 23578. Pursuant to a plea agreement, the court dismissed all other charges.

20. On September 30, 2013, the court sentenced respondent to 12 days imprisonment with credit for four days, and summary probation for 60 months. The court ordered that respondent, among other things; install an Ignition Interlock Device on any vehicle he owns or otherwise drives; enroll in a Multiple Offender Drinking Driver Program; submit, upon demand of any law enforcement officer, to a chemical test to detect the use of alcohol; and pay a total in fines of \$2419, as well as other conditions.

21. On July 14, 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:

22. On August 31, 2013, at 9:25 p.m., respondent was driving an automobile, weaving from side to side. A California Highway Patrol officer pulled respondent over. The officer approached the vehicle and tapped on the window. Respondent cracked the window. The officer had to ask respondent four times before he rolled the window all the way down. The respondent's eyes were red and watery, his speech was slurred, and a strong odor of alcohol emanated from within his vehicle. There was an open can of Budweiser Light beer on the right front passenger side floorboard of respondent's vehicle.

23. The officer asked respondent whether he had been drinking alcohol, and respondent stated he had not. After the officer administered, and respondent failed, a field sobriety test, the officer asked respondent to take a Preliminary Alcohol Screening Device test, and the respondent refused. The officer arrested respondent and an inventory search was conducted on respondent's vehicle. Located within the vehicle were two empty 25 ounce Budweiser Light beer cans, one opened, half-empty 12 ounce can, and an unopened, cold 12 ounce can of beer. Respondent's misrepresentation to the police officer was an act of moral turpitude.

24. A subsequent forensic alcohol analysis of respondent's breath indicated a blood alcohol content of .17%.

CONCLUSIONS OF LAW:

The facts and circumstances surrounding the above-described violations involved moral turpitude.

Case No. 14-C-04762 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

25. 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.

26. On August 27, 2014, the Tuolumne County District Attorney filed a criminal complaint in the Superior Court for the County of Tuolumne, case no. CRF45017, charging respondent with one felony count each of violation of Vehicle Code section 23152(a) [Driving under the Influence] and Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol]; one misdemeanor each of violation of Vehicle Code section 2800(a) [Disobedience to Officer] and Vehicle Code section 14601.2(a) [Driving When Privilege Suspended for Prior DUI Conviction]; and an infraction for violation of Vehicle Code section 16028(a) [Driving Without Evidence of Financial Responsibility].

27. On May 18, 2015, the court entered respondent's plea of guilty to Count 2, a violation of Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol], as a felony with the admission of 3 prior DUI convictions; Count 4, a violation of Vehicle Code section 14601.2(a) [Driving

with a Suspended License], a misdemeanor; and Count 5, a violation of Vehicle Code section 16028(a) [Failure to Provide Evidence of Financial Responsibility], an infraction, and based thereon, the court found respondent guilty of those counts. Pursuant to a plea agreement, the court dismissed all other charges.

28. On July 27, 2015, the court sentenced respondent to 10 days jail, with credit for 1 day time served, suspended the imposition of sentence and placed respondent on probation for a period of 5 years. The court ordered that respondent, among other things, pay restitution fine of \$1,500 pursuant to Penal Code section 1202.4(b), pay an additional fine for counts 2 and 4 of \$2,124, abstain from the use of alcohol, be designated a habitual traffic offender pursuant to Vehicle Code section 23550(b), complete a Multiple Offender DUI program, enroll in and successfully complete a residential treatment program, as well as other conditions.

29. On July 14, 2015, the Review Department of the State Bar Court issued an order that stated, in part, that, "the Court has received evidence that respondent has been convicted of violating section 23152, subdivision (b) (driving under the influence) and Vehicle Code section 14601.2 (driving on suspended license)," but, the court would take no action pending the submission of evidence of finality of the conviction, unless respondent submitted a waiver of finality pursuant to rule 5.344(B) of the Rules of Procedure of the State Bar. On August 17, 2015, respondent, through his counsel Samuel C. Bellicini, filed a waiver as to finality of judgment, pursuant to rule 5.344(B) of the Rule of Procedure of the State Bar.

#### FACTS:

30. On August 23, 2014, at 12:09 a.m., respondent was driving an automobile in Sonora, California on Church Street near the intersection of Stewart Street without his headlights activated. Respondent turned southbound onto Stewart Street. A police officer of the Police Department of the City of Sonora followed respondent and activated his emergency lights. Respondent continued driving, and made a left turn onto Gold Street, and continued to Barretta Street, onto which respondent made a right turn. The police officer activated his siren briefly, but respondent continued to toward Cemetery Lane. Respondent made a left turn onto Cemetery Lane. The police officer activated the police air horn function of the vehicle. Respondent pulled over.

31. He approached the driver's side window of the vehicle, and asked respondent for his driver's license, proof of insurance and vehicle registration. Respondent informed the officer that his driver's license was suspended due to a prior conviction for driving under the influence. He also informed the police officer that he did not have insurance.

32. The officer performed a preliminary alcoholic screening test on respondent, which indicated that respondent had a 0.147% blood alcohol content. The police officer arrested respondent for violating Vehicle Code section 23152(a) [Driving under the Influence]; Vehicle Code section 23152(b) [Driving with 0.08% or more blood alcohol]; Vehicle Code section 21806(a)(1) [Failure to Yield to Emergency Vehicle] and Vehicle Code section 24250 [Use of Headlights].

33. A subsequent forensic alcohol analysis of respondent's breath indicated a blood alcohol content of .13%.

## CONCLUSIONS OF LAW:

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

### AGGRAVATING CIRCUMSTANCES.

**Multiple Acts (Std. 1.5(b)).** Respondent's four convictions represent multiple acts of misconduct.

**Indifference (Std. 1.6(k)).** Respondent demonstrated indifference toward rectification or atonement by being arrested, and subsequently convicted, for driving under the influence while respondent was still on probation from an earlier conviction. Where a conviction violated of a court ordered probation following their first conviction, respondent demonstrated a complete disregard for the conditions of her probation, the law, and the safety of the public. (See *In re Kelley* (1990) 52 Cal.3d 487.)

### MITIGATING CIRCUMSTANCES.

**Good Character (Std. 1.6(f)).** Respondent provided five character reference letters from a wide range of references in the legal and general communities, who are aware of the full extent of respondent's misconduct. Respondent's good character constitutes a mitigating circumstance pursuant to Standard 1.6(f).

### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**Pretrial Stipulation:** Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

**Substance Abuse Treatment:** On March 30, 2016, respondent entered a residential substance abuse program called the Foundations of Recovery Program, operated through the United States Department of Veterans Affairs Palo Alto Health Care System. He successfully completed the program on April 27, 2016. During his residential treatment, he participated in 12-step meetings, cognitive behavioral skills classes, community meetings and small process groups. Furthermore, he underwent weekly toxicology screens, and participated in local support meetings on and off the Veterans Affairs campus subsequent to his successful completion of the program.

### 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 high professional standards; and preservation of public confidence in the legal profession. (*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 Silvertown* (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 discipline 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).) Where a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed. (Std. 1.7(a).)

The standard inviting the most severe sanction is found in Standard 2.15(c), for each of respondent's two misdemeanor convictions where he made misrepresentations to the police. Standard 2.15 states that disbarment or actual suspension is the presumed sanction for final conviction of a misdemeanor involving moral turpitude. Respondent's misconduct is aggravated by the multiple acts and indifference, but mitigated by his willingness to enter into a pretrial stipulation and demonstration of good moral character.

Respondent's misconduct is similar, but distinguishable from *In the Matter of Guillory* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 402. In *Guillory*, the Review Department recommended a 2-year actual suspension. It found that the facts and circumstances surrounding Guillory's four alcohol-related driving offenses involved moral turpitude. The first conviction predated Guillory's admission to the bar, and stemmed from his drinking and driving, and a subsequent automobile accident that resulted in the death of his cousin. Prior to his admission, Guillory promised State Bar Committee on Moral Character Determinations that he would not drink and drive again. Like *Guillory*, the respondent has suffered four alcohol related convictions, and made misrepresentations to law enforcement at the time of arrest in two of the matters and therefore involve moral turpitude. Like *Guillory*, respondent's misconduct is aggravated by multiple acts and indifference. But, in *Guillory*, the Review Department found aggravating Guillory's attempts to leverage his position as a criminal prosecutor, through "badging," to avoid arrest to be troubling. Furthermore, the Review Department found that Guillory was on notice of the dangers of drinking and driving because of the death of his cousin, and his firsthand experience prosecuting DUI offenders. Unlike *Guillory*, where the Review Department found no mitigating factors, respondent's misconduct is mitigated by his entering into a pretrial stipulation, good moral character, and his voluntary submission to residential alcohol treatment.

A disciplinary disposition lower than that in *Guillory* is appropriate. Based on the facts and circumstances, a disciplinary disposition of 6-months actual suspension, 2 years stayed suspension, and 2 years' probation, is sufficient to protect the public and promote respect and confidence in the legal profession.

An order pursuant to California Rules of Court, rule 9.20, is not required. On January 8, 2016, the Review Department of the State Bar Court issued an order placing respondent on interim suspension, pursuant to Business and Professions Code section 6102, subdivision (a), effective February 2, 2016. As part of that order, respondent was required to comply with California Rules of Court, rule 9.20, and

perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the suspension. On March 11, 2016, respondent timely filed a Rule 9.20 Compliance Declaration. Therefore, no further compliance conditions pursuant to California Rules of Court, rule 9.20, are necessary.

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

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of date the discipline costs in this matter are \$5,378. 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.)

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In the Matter of: <b>JOSEPH LAMON WRIGHT</b>	Case Number(s): 14-O-04760, 14-O-04761, 14-O-04762, 14-O-04763
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**Substance Abuse Conditions**

- a.  Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
  
- b.  Respondent must attend at least two meetings per month of:
  - Alcoholics Anonymous
  - Narcotics Anonymous
  - The Other Bar
  - Other program See below.

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10<sup>th</sup>) day of the following month, during the condition or probation period.

- c.  Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
  
- d.  Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
  
- e.  Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

Respondent recognizes that the facts and circumstances underlying his convictions suggest 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

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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., ect. 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 partipant 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 groupd meeting. If respondent wants to change groups, respondent must first obtain the Office of Probations 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 own attenance.

Respondent is encouraged, but is not required, to participate in the Lawyer's Assitance Program.


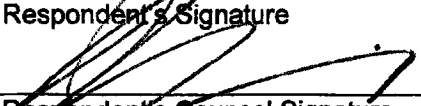
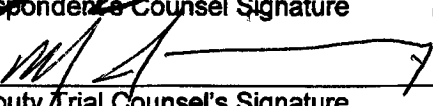


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In the Matter of: <b>JOSEPH LAMON WRIGHT</b>	Case number(s): <b>14-C-04760 [14-C-04761, 14-C-04762, 14-C-04763]</b>
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>10/21/2016</u> Date	 Respondent's Signature	<u>JOSEPH LAMON WRIGHT</u> Print Name
<u>OCT 26 2016</u> Date	 Respondent's Counsel Signature	<u>SAMUEL C. BELLICINI</u> Print Name
<u>Oct 27, 2016</u> Date	 Deputy Trial Counsel's Signature	<u>MANUEL JIMENEZ</u> Print Name

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In the Matter of: JOSEPH LAMON WRIGHT	Case Number(s): 14-C-04760 [14-C-04761, 14-C-04762, 14-C-04763]
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**ACTUAL SUSPENSION ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

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

November 18

  
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 November 18, 2016, 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:

SAMUEL C. BELLICINI  
SAMUEL C. BELLICINI, LAWYER  
1005 NORTHGATE DR # 240  
SAN RAFAEL, CA 94903

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:

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

Manuel Jimenez Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 18, 2016.

  
George Hue  
Case Administrator  
State Bar Court