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State Bar Court of California Hearing Department Los Angeles REPROVAL		
Counsel For The State Bar Nina Sarraf-Yazdi Deputy Trial Counsel 845 South Figueroa Los Angeles, California 90017 (213) 765-1277 Bar # 278877	Case Number(s): 14-C-05730 - LMA	For Court use only PUBLIC MATTER FILED 16 JUL 27 2015 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Susan L. Margolis 2000 Riverside Drive Los Angeles, California 90039 (323) 953-8996 Bar # 104629	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Karen Therese Gaul Wallace Bar # 151045 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 4, 1990**.
- (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."

(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: **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.
- (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

(Do not write above this line.)

- (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.
- (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:

Good character, probono/community service, emotional difficulties, no prior discipline, and pretrial stipulation, see attachment pgs. 8-9

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 Reproval:

- (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 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. 175, 180).**

- (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 pg. 6

Attachment language (if any):

Additional Reapproval 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 reapproval, and during the period of reapproval, respondent must attend a minimum of four (4) 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'Connor 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 Lawyer's 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: KAREN THERESE GAUL WALLACE

CASE NUMBER: 14-C-05730

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-05730 (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 December 5, 2013, the Kern County District Attorney filed a criminal complaint in Kern County Superior Court, case number BM832733, charging respondent with one count of violation of Vehicle Code section 23152(a) [Driving Under the Influence], a misdemeanor, and one count of violation of Vehicle Code section 23152(b) [Driving Under the Influence With a Blood Alcohol Concentration Over 0.08 Percent], a misdemeanor. The complaint further alleged that in the commission of the offenses, respondent had a blood alcohol concentration of 0.15% or more, and that respondent was previously convicted of a violation of Vehicle Code section 23152 on October 21, 2012, in Tulare County, in case number 271492. In respondent's prior conviction for violation of Vehicle Code section 23152, respondent had a blood alcohol concentration of .221. Respondent was sentenced to (5) years court probation, a nine (9) month first offender program, which includes attendance at substance abuse classes, and six (6) days in the county jail with credit for time served of three (3) days.

3. On October 28, 2014, respondent entered a nolo contendere plea to a violation of Vehicle Code section 23152(b), driving under the influence of alcohol with a blood alcohol concentration greater than 0.08%, a misdemeanor, and based thereon, found respondent guilty of that count. In light of the negotiated disposition, the remaining count was dismissed.

4. On October 28, 2014, the court suspended imposition of respondent's sentence and placed respondent on court probation for a period of three years on terms including that respondent complete three hundred hours of community service by October 31, 2017 in lieu of serving thirty days in the county jail with credit given for two days served, complete a multiple offender driving-under-the-influence program (SB 38), and install an ignition interlock device on all vehicles owned or operated by respondent for a period of three years or until respondent provides proof within six months of completing fifteen Alcoholics Anonymous meetings and one hundred and fifty of the three hundred hours of community service ordered.

5. On April 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 the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other conduct warranting discipline.

FACTS:

6. On November 17, 2013, respondent drove a vehicle while intoxicated. At this time, respondent's vehicle was traveling at a speed of 50 mph eastbound on College Avenue near its intersection with Fairfax Road in Bakersfield, California. The posted speed limit was 40 mph. Respondent also swerved across the double yellow line dividing the eastbound lanes from the westbound lanes. California Highway Patrol ("CHP") Officers M. Miller and M. Tyre stopped respondent for speeding and swerving.

7. At contact, respondent's eyes were extremely bloodshot and watery, respondent had slurred speech; and respondent's breath and person smelled of alcohol.

8. Respondent was asked to perform field sobriety tests ("FSTS") including a Preliminary Alcohol Screening ("PAS"). Respondent unsatisfactorily performed the FSTs. Respondent's blood alcohol level from the PAS was .21 and .21. Respondent was arrested for driving under the influence of alcohol.

CONCLUSIONS OF LAW:

9. The facts and circumstances surrounding the above-described conviction for violation of Vehicle Code section 23153(b) [Driving Under the Influence Over 0.08 Percent Blood Alcohol Level-Causing Injury] did not involve moral turpitude but did involve other misconduct warranting discipline.

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

No Prior Record of Discipline: Respondent was admitted to the State Bar of California in December 1990 and has no prior record of discipline. Respondent's twenty-three (23) years of discipline free practice at the time of the misconduct should be given significant weight. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49 [attorney's practice of law for more than 17 years considered to be significant mitigating circumstance even though misconduct at issue was considered serious].)

Extreme Emotional Difficulties: As a result of respondent's first DUI conviction on October 21, 2012, respondent attended Alcoholics Anonymous ("AA"). Respondent made good progress and was sober for nine months, and relapsed in September 2013 after receiving upsetting news of the unexpected death of someone close to her. Two months later, respondent received her second DUI in November 2013.

Respondent has a new sponsor and has been attending AA meetings. The meetings are a requirement of her criminal probation in connection with her second DUI conviction. Respondent has provided a letter from a licensed marriage and family therapist who has been treating respondent since approximately 2012. According to the therapist, the death of someone close to respondent had a huge impact on her and directly contributed to respondent's relapse. Since then, respondent has learned

healthy ways of coping with everyday life problems, through therapy and regular attendance at AA, and since her second DUI, respondent has been sober for over one year. These facts would entitle respondent to mitigation credit. (*In the Matter of Dierling* (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].)

Good Character: Respondent has provided seven character reference letters from a wide range of the community, including her ex-husband. All seven letters are thorough and thoughtful. The character references are aware of the full extent of respondent's conduct, they corroborate the hardship respondent was going through during the time of the misconduct, and maintain that despite the two DUI convictions, respondent is an ethical, hard-working attorney with a very good reputation in the area of family law in Bakersfield. These factors would entitle respondent to some mitigation credit. (*In the Matter of Taylor* (2012) 5 Cal. State Bar. Ct. Rptr. 221, 235.)

Pro Bono Work and Community Service: Respondent has served as a member of the Kern County Bar Association's Board of Directors for approximately ten years (from approximately 2004-2014). She has been a member of the Family Law Section Board of Directors for over twelve years (approximately 2003 to the present), and she has acted as judge pro tem in Family Law Court since 2003. Additionally, she has served for the last several years on the Judicial Applications Evaluation Committee for the State Bar through her local bar association and as a Judge on the Kern County Assessment Appeals Board for approximately ten years. Respondent has provided certificates of recognition and documentation reflecting her volunteer work. (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 [civic service and charitable work can be mitigation as evidence of good character.]; *Calvert v. State Bar* (1991) 54 Cal.3d 765, 785 [pro bono work and community service may mitigate an attorney's misconduct.]; *Rose v. State Bar* (1989) 49 Cal.3d 646, 667 [mitigation assigned for demonstrated legal abilities and zeal in undertaking pro bono work.]).

Pretrial Stipulation: Respondent is entitled to mitigation for entering into this stipulation, fully resolving the present matter prior to trial, thereby preserving 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].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring

consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.16(b) indicates that suspension or reproof is appropriate for a final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline. A conviction for driving under the influence does not involve moral turpitude *per se* and, even upon considering the facts and circumstances, has generally been held not to rise to the level of moral turpitude. (See, e.g., *In re Kelley* (1990) 52 Cal.3d 487) However, it has been held to constitute "other misconduct warranting discipline." (*Id.*) There are no facts in the present matter to suggest moral turpitude. Therefore, Standard 2.16(b) is applicable in this matter and a suspension or reproof is appropriate.

To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. There are no aggravating circumstances. In mitigation, respondent had twenty-three years of discipline free practice at the time of the instant misconduct, was suffering from emotional difficulties, has acknowledged her misconduct by entering a pretrial stipulation, and has demonstrated good character through several character reference letters and pro bono/community service work.

Given the misconduct, the facts and circumstances surrounding the misconduct, and the mitigation, discipline on the low end of the range discussed in Standard 2.16(b), a public reproof, is sufficient to achieve the purposes of discipline expressed in standard 1.1., including protection of the public, maintenance of high professional standards, and preservation of public confidence in the legal profession.

Case law also supports a public reproof. In *In re Kelley* (1990) 52 Cal.3d 487, the attorney was convicted twice of drunk driving within a thirty-one (31) month period. On her first arrest, the attorney had driven her car into an embankment and was arrested at the scene. While on probation imposed as a result of her first drunk driving conviction, she was stopped by a police officer while driving home and eventually arrested after failing a field sobriety test. No one was injured in either of her drunk driving offenses. When asked by the officers if she had anything to drink, Kelley lied to the officers and stated that she had not. She also had a high blood alcohol level. Nevertheless, the Court found that the attorney's conduct did not involve moral turpitude, but rather constituted other misconduct warranting disciplinary action. Noting that there had been no specific harm caused to the public or the courts, as well as the attorney's significant mitigating evidence (e.g., lack of a prior disciplinary record, extensive involvement in community service, and cooperation during disciplinary proceedings), the Court ordered her publicly reproofed and directed her to participate in the State Bar's program on alcohol abuse.

Here, similar to *Kelley*, respondent was on DUI probation when she was arrested for this DUI. Respondent also had a high BAC comparable to that in *Kelley*. Unlike *Kelley*, respondent had practiced law for twenty-two (22) years with no prior record of discipline at the time of the misconduct and did not get into an accident. *Kelley* had only practiced law for two (2) years at the time of the misconduct and drove her car into an embankment. Furthermore, respondent was suffering from extreme emotional difficulties that directly contributed to her drinking. Respondent has developed coping skills to prevent future relapses and acknowledges that this is a lifelong battle that she is committed to overcoming. Additionally, respondent has good character and is entitled to mitigation for her community service and her reputation in the community at large. Based on the above, respondent's misconduct warrants discipline consisting of a public reproof.

For the above stated reasons, the appropriate level of discipline is a public reproof with conditions including one year probation, completion of Ethics School and four substance abuse classes per month through Alcoholics Anonymous during the course of probation.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 29, 2015, the prosecution costs in this matter are \$2,507.00. 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.)

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In the Matter of:
KAREN THERESE GUAL WALLCE

Case number(s):
14-C-05730

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.

JUL 20 2015

Date



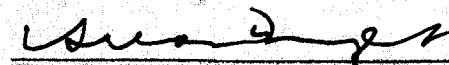
Respondent's Signature

Karen Therese Gaul Wallace

Print Name

July 22, 2015

Date



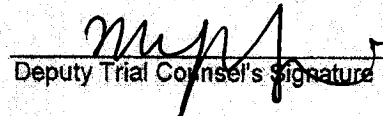
Respondent's Counsel Signature

Susan L. Margolis

Print Name

July 23, 2015

Date



Deputy Trial Counsel's Signature

Nina Sarraf-Yazdi

Print Name

(Do not write above this line.)

In the Matter of: KAREN THERESE GAUL WALLACE	Case Number(s): 14-C-05730
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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

JULY 27, 2015


LUCY ARMENDARIZ
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 July 27, 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:

SUSAN LYNN MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

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

NINA SARRAF-YAZDI, Enforcement, Los Angeles
TERRIE GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 27, 2015.



Mazie Yip
Case Administrator
State Bar Court