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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Nina Sarraf-Yazdi Deputy Trial Counsel 845 South Figueroa Street Los Angeles, California 90017 213-765-1277 Bar # 278877	Case Number(s): 14-C-06383-DFM	For Court use only <div style="text-align: center; font-size: 2em; font-weight: bold; margin: 10px 0;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold; margin: 10px 0;">FILED</div> <div style="text-align: center; font-size: 1.2em; font-weight: bold; margin: 10px 0;">OCT 19 2016</div> <div style="text-align: center; font-size: 0.8em; margin: 10px 0;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
Counsel For Respondent Arthur Margolis Margolis & Margolis LLP 2000 Riverside Drive Los Angeles, California 90039 (323) 953-8996 Bar # 57703	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: WILLIAM JOSEPH WARD Bar # 113849 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 **June 14, 1984**.
- (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 **14** 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."



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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):
- 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: **three 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(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.

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- (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.
- (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.
- (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.
- (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

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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 convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No prior record of discipline. See attachment page 9.
Good character. See attachment page 9.
Pro Bono Work and Community Service. See attachment page 9.
Pretrial Stipulation. See attachment 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 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 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 months**.

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- 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.

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- 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) 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 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: **April 18, 2016.**
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: WILLIAM JOSPEH WARD

CASE NUMBER: 14-C-06383

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 moral turpitude.

Case No. 14-C-06383 (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 22, 2014, the San Diego County District Attorney's Office filed a criminal complaint in the Superior Court of California for the County of San Diego, case no. CD260077 charging respondent with one count of violating Vehicle Code section 20001(a) [Hit and Run Accident with Injury or Death], a felony.

3. On December 22, 2014, respondent entered a plea of not guilty for one count of violating Vehicle Code section 20001(a) [Hit and Run Accident with Injury or Death], a felony.

4. On November 17, 2015, November 18, 2015, and November 19, 2015, a jury trial was held.

5. On November 20, 2015, the jury found respondent guilty of violating Vehicle Code section 20001(a) [Hit and Run Accident with Injury or Death], a felony.

6. On January 27, 2016, Respondent was sentenced to 180 days of incarceration, stayed pending further review, three years of formal probation, abstention from alcohol, suspension of his driver license, and payment of fines (\$1,378.00) and costs (\$407.00). The Court continued the issue of incarceration for six months.

7. On July 18, 2016, Respondent was sentenced to 180 days of stayed incarceration, 10 days of actual incarceration, and 500 hours of community service.

8. On March 23, 2016, the Review Department of the State Bar Court issued an order placing respondent on interim suspension effective April 18, 2016.

9. On July 7, 2016, 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:

10. On December 11, 2014, at approximately 11:30 p.m., respondent was the driver of a vehicle involved in an accident, resulting in injury to another person, and failed to stop, render aid, or identify himself in any way to the victim, a street construction worker ("construction worker").

11. At this time, respondent was driving eastbound on Miramar Road, in San Diego, at a speed of about 50 miles per hour, which is the posted speed limit on Miramar Road. At the intersection of Miramar Road and Production Avenue, respondent struck a construction worker with the front, passenger side corner of his vehicle, a Mercedes S550 bearing the California license plate number ATTYWJW.

12. The construction worker was bent over in the eastbound of lane traffic, placing temporary reflector tabs on the road, when he was hit by the respondent. The road was poorly lit and the construction worker was not surrounded by a construction crew. He was wearing a reflective vest, camouflage pants, and a head lamp.

13. After the collision, respondent failed to stop, render aid, or identify himself in any way to the victim. Respondent left the scene of the accident and drove to his residence.

14. On the way to his residence, Ms. A, who witnessed the accident, pulled her vehicle in front of respondent's at a red traffic light. Ms. A told respondent that he needs to go back. Respondent stated he would go back, but continued to drive home, speeding and running two red lights.

15. Ms. A wrote down respondent's license plate, called the police, and gave them respondent's license plate number.

16. The arresting officers arrived at respondent's residence at approximately 12 a.m. Respondent and respondent's wife answered the door. The officers asked respondent if he owned a Mercedes. Respondent indicated that he did and allowed the officers to observe the vehicle. Respondent's vehicle had sustained damage to its right passenger side headlight and had no front bumper.

17. The construction worker suffered a concussion, a meniscus tear, as well as multiple abrasions as a result of the accident.

18. On April 12, 2014, respondent was arrested for a violation of Vehicle Code section 20001(a) [Hit and Run Accident with Injury or Death].

CONCLUSIONS OF LAW:

19. The facts and circumstances surrounding the above-described conviction for violation of Vehicle Code section 20001(a) [Hit and Run Accident with Injury or Death], a felony, did involve moral turpitude.

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

No Prior Record of Discipline: Respondent was admitted to the State Bar of California in June 1984 and has no prior record of discipline. Respondent's 30 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].)

Good Character: Respondent has provided seven character reference letters from a wide range of the community, including attorneys, friends and members of his church and community. All seven letters are thorough and thoughtful. The character references are aware of the full extent of respondent's conduct, and maintain that despite his conviction, respondent is an ethical, hard-working attorney with a very good reputation. 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 been a member of All Hallows Catholic Church since approximately 1992. During that time, respondent has contributed his time and made monetary donations to his Church. The volunteer work and donations have been weekly and continuous through the years 1992 to the present. Respondent spends approximately 15 hours each year volunteering his time for various church activities, including mass services, building maintenance and construction, permit issues, fund raising, and food and clothing drives for the homeless. From 1995 to 2003, respondent volunteered his time during the holidays to organize toy and food drives. From 2005 to 2007, respondent volunteered and performed kitchen work for Father Joe's Village, an organization dedicated to helping the homeless. From 2007 to 2009, at least once per month, respondent volunteered at other churches preparing and cooking food to feed the homeless.

From 1997 to 2015, respondent has performed at least 50 hours per year of pro bono work in the area of family law, probate, business, insurance and other matters. During this time period, respondent also mentored hundreds of pre-law students. On three separate occasions, by invitation, respondent spoke to the University of California, San Diego pre-law fraternity. He also assisted students with law school applications, and he spent time with a number of students while they were in law school assisting them with their law studies. In 2001, respondent represented a soldier who was involved in civil litigation, pro bono, and the soldier was awarded several thousand dollars. The soldier was so appreciative that in 2002, a Marine Fighter Attack Squadron 121, flew a combat mission in Afghanistan in respondent's name.

In September 2014, respondent was awarded the "Loyal Donor Recognition Award" from the Association of the Miraculous Medal for his donations to the Catholic Church and various charities. Respondent donates money to Our Lady's School in downtown San Diego, a Catholic elementary school. Respondent gives yearly to Casa De Los Pobres and supports the St. Joseph's Indian School and Boy Scouts of America with contributions. He also donates to Mt. Soledad Memorial Association in support of veterans. (*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].) Respondent has also acknowledged his misconduct by entering into this pretrial stipulation.

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 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 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).)

Respondent’s culpability is conclusively established by his conviction. Additionally, respondent is conclusively presumed, by the record of his conviction in this proceeding, to have committed all of the elements of the crime of which he was convicted. (Bus. & Prof. Code, § 6101, subd. (a); *In re Crooks* (1990) 51 Cal.3d 1090, 1097; *In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 581, 588.)

Respondent was convicted of violating Vehicle Code section 20001(a), as a felony. It is not an element of the crime that the defendant be responsible for the accident. “Although a violation of 20001(a) is popularly denominated ‘hit-and-run,’ the act made criminal is not the ‘hitting,’ but the ‘running.’” *People v. Comers* (1985) 176 Cal.App.3d 139, 148. Further, a violation of Vehicle Code section 20001(a) does not require that the defendant be responsible for causing the injuries. *People v. Mace* (2011) 198 Cal.App.4th 875. Here, respondent was found guilty of being involved in an accident and fleeing the scene of the accident. The jury in the criminal trial did not address whose fault the accident was. Similarly, this stipulation does not address whether respondent was at fault for the accident.

A conviction for vehicular hit and run causing injury does not involve moral turpitude *per se*. However, the facts and circumstances surrounding respondent's conviction in the present matter involve moral turpitude.

In *In re Lesansky* (2001) 25 Cal. 4th 11, 16, the Court stated that "criminal conduct not committed in the practice of law or against a client reveals moral turpitude if it shows a deficiency in any character trait necessary for the practice of law (such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties) or if it involves such a serious breach of duty owed to another or to society, or such a flagrant disrespect for the law or for societal norm, that knowledge of the attorney's conduct would likely undermine public confidence in and respect for the legal profession." Here, respondent hit and injured a construction worker. Following the accident, Ms. A followed respondent and told him to "go back." Respondent stated that he would go back. Instead, respondent sped up and ran two red lights.

For these reasons, Standard 2.15(b) controls and disbarment would be the presumed sanction unless the most compelling mitigation clearly predominates. Nevertheless, respondent's thirty years of discipline free practice, his good character, community service, and pretrial stipulation warrant deviation from standard 2.15(b). (Stds. 1.1 and 1.7 (c).)

Standard 1.7(c) states that if mitigating circumstances are found, they should be considered alone and in balance with any aggravating circumstances, and if the net effect demonstrates that a lesser sanction is needed to fulfill the primary purposes of discipline, it is appropriate to impose or recommend a lesser sanction than what is otherwise specified in a given Standard. On balance, a lesser sanction is appropriate in cases of minor misconduct, where there is little or no injury to a client, the public, the legal system, or the profession and where the record demonstrates that the member is willing and has the ability to conform to ethical responsibilities in the future.

Here, there are no aggravating circumstances. In mitigation, respondent had thirty years of discipline free practice at the time of the instant misconduct, has acknowledged his misconduct by entering a pretrial stipulation, and has demonstrated good character through several character reference letters and pro bono/community service work. He has worked with young adults interested in the legal profession and he contributes his time to help the homeless.

Given the misconduct, the facts and circumstances surrounding the misconduct, and the mitigation, a deviation from the discipline discussed in Standard 2.15(b), imposition of a one year stayed suspension, two years of probation with conditions including a six month actual suspension, 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 this level of discipline. In *In the Matter of Guillory* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 402, Guillory was convicted of four alcohol-related driving offenses, all as misdemeanors. In the first incident, Guillory drove under the influence, got into an accident with a bus, and killed his cousin who was a passenger in the car. This was prior to Guillory's admission to the State Bar. In his moral character application, Guillory stated that he had learned from his misconduct and the behavior would not recur. Guillory was subsequently convicted of three additional misdemeanor driving under the influence offenses. The Court found that the facts and circumstances surrounding Guillory's conviction did involve moral turpitude because: (1) Guillory attempted to use his position as an assistant deputy district attorney to avoid arrest; (2) his cousin died in one of his alcohol-related driving incidents; (3) he repeatedly drove with a blood alcohol concentration well above the legal limit; and (4) he violated

his criminal probation by driving on a suspended license at the time of his two most recent arrests for DUI. The Court found that Guillory had serious aggravation – he minimized his misconduct and his actions resulted in harm to his cousin, the public, and to the profession. There was no mitigation. The Court recommended discipline for Guillory consisting of a three years' stayed suspension, four years of probation with conditions, including a two year actual suspension and until he shows proof of rehabilitation.

In *In re Larkin* (1989) 48 Cal.3d 236, the attorney was convicted of misdemeanor conspiracy to commit assault with a deadly weapon and misdemeanor assault with a deadly weapon. The attorney conspired with a client to cause the boyfriend of his estranged wife to be assaulted. In furtherance of the conspiracy, the attorney provided the client with personal information about the boyfriend that the attorney had obtained through his contacts with county law enforcement agencies and through a subpoena duces tecum that the attorney issued under false pretenses. Thereafter, the client and another person struck the boyfriend on the chin with a metal flashlight. The Court gave respondent mitigation for good character, emotional difficulties, and community service. The Court found that the misconduct was serious, and it adopted the State Bar's recommended discipline that the attorney be suspended for three years, that execution of that suspension be stayed, and that he be placed on probation for three years on conditions including a one year actual suspension.

Respondent's misconduct is far less egregious than the misconduct in *Guillory* and *Larkin*. Respondent did not try to use his status as an attorney to gain an advantage like the attorney in *Guillory* who showed his badge to officers and attempted to use his status as an Assistant District Attorney to avoid punishment. Additionally, the attorney in *Guillory* had multiple acts of misconduct. Moreover, respondent did not obtain information from law enforcement under false pretenses like the attorney in *Larkin*. *Larkin's* actions were premeditated. Here, respondent did not preplan his misconduct, rather he reacted to an emotional situation. Respondent has more mitigation than *Guillory* and unlike *Guillory* has no aggravating factors. Additionally, despite the fact that respondent was convicted of a felony while the attorney in *Larkin* was convicted of two misdemeanors, respondent should be given significant mitigating weight for his thirty years of discipline free practice prior to the misconduct. Additionally, respondent has good character and is entitled to mitigation for his community service and his reputation in the community at large. He contributes to his community through volunteer work and donations to various charities. For these reasons, respondent should receive a level of discipline less than the two year actual suspension the Court recommended in *Guillory* and the one year actual suspension recommended by the Court in *Larkin*.

Based on the above, a discipline consisting of a one year stayed suspension, two years' probation with conditions, including a six month actual suspension, will serve to protect the public, the courts, and the legal profession, maintain the highest professional standards and preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 5, 2016, the prosecution costs in this matter are \$5,378.00. 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.

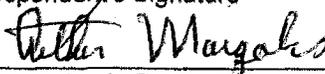
Pursuant to rule 3201, respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: WILLIAM JOSEPH WARD	Case number(s): 14-C-06383
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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>10/11/16</u> Date	 Respondent's Signature	<u>WILLIAM WARD</u> Print Name
<u>10/12/16</u> Date	 Respondent's Counsel Signature	<u>ARTHUR MARGOLIS</u> Print Name
<u>10/11/16</u> Date	 Deputy Trial Counsel's Signature	<u>NINA SARRAF-YAZDI</u> Print Name

(Do not write above this line.)

In the Matter of: WILLIAM JOSEPH WARD	Case Number(s): 14-C-06383
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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.)**

October 19, 2016
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 October 19, 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 Los Angeles, California, addressed as follows:

ARTHUR LEWIS 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

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 19, 2016.



Rose M. Luthi
Case Administrator
State Bar Court