

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
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FILED

JUN 4 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE) Case No. 15-C-11006
CONVICTION OF:)
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.
BRIAN J. McMONAGLE,) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)
No. 141866)
) [] Felony;
) [] Crime(s) involved moral turpitude;
A Member of the State Bar) [] Probable cause to believe the crime(s) involved moral
) turpitude;
) [X] Crime(s) which may or may not involve moral turpitude or
) other misconduct warranting discipline;
_____) [X] Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- [X] A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:
- [] B. Notice of Appeal
- [X] C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- [] D. Other

Name of Member: Brian J. McMonagle

Date member admitted to practice law in California: November 3, 1989

Member's Address of Record: Brian Joseph McMonagle, McMonagle Steinberg & Hester
1851 Heritage Ln, Ste 205
Sacramento, CA 95815

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: April 30, 2010

Convicting court: Sacramento Superior Court



Case number(s): 08T00802

Crime(s) of which convicted and classification(s): Vehicle Code section 23152(a) (DUI), one count, a misdemeanor that may or may not involve moral turpitude. (See *In re Kelley* (1990) 52 Cal. 3d 487.

3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

4. Other information to assist the State Bar Court

DOCUMENTS TRANSMITTED:

Misdemeanor Complaint filed 2/7/08

Notice of Appeal dated 11/21/08

Appellate Ruling dated 12/18/09

Remittitur dated 1/25/10

Minute Order dated 4/30/10

Minute Order dated 11/21/08

Docket certified on 3/19/15

Court of Appeal, Third Appellate District Docket certified on 4/22/15

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: June 4, 2015

BY: 

Allen Blumenthal
Senior Trial Counsel

A copy of this transmittal and its
Attachments have been sent to:

Brian J. McMonagle
McMonagle Steinberg & Hester
1851 Heritage Ln Ste 205
Sacramento, CA 95815

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-C-11006

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2011 9770 93 at San Francisco, addressed to: (see below)
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to:
Person Served: Brian J. McMonagle
Business-Residential Address: Brian J. McMonagle, McMonagle Steinberg & Hester, 1851 Heritage Ln, Ste. 205, Sacramento, CA 95815
Fax Number: Electronic Address

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS").

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: June 4, 2015

SIGNED: Leon Thomas, Jr. Declarant