

FILED

JUN 09 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STEPHEN J. STRAUSS, S.B. #129648
1107 Fair Oaks Ave., #885
2 South Pasadena, CA 91030

3 (323) 221-2286

4 Attorney for Respondent, David Charles Peterson

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THE STATE BAR COURT

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HEARING DEPARTMENT - LOS ANGELES

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12 In the Matter of)

CASE NO.: 15-C- 15093 WKM

13 DAVID CHARLES PETERSON)

**RESPONSE TO NOTICE OF
TRANSMITTAL OF
CONVICTION**

14 State Bar No. 69272)

15 A Member of the State Bar)

Status Conf: June 22, 2016 9:30 a.m.

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18 TO ALL PARTIES AND THEIR ATTORNEYS AND COUNSEL OF RECORD:

19 Please take notice that pursuant to Rule 5.345 of the Rules of Procedure of the
20 State Bar of California, Respondent David Charles Peterson (hereinafter "Respondent")
21 offers the following response to the Transmittal of Records of Conviction of Attorney
22 David Charles Peterson as follows:

23 Respondent DAVID PETERSON, by and through his counsel, Stephen J. Strauss,
24 hereby responds to the Notice of Hearing on Conviction filed on or about May 19, 2016, in
25 the above referenced matter, as follows:

26 1. In response to the request by the Review Department that the Hearing Department
27 make a recommendation as to the appropriate level of discipline to be imposed as the result

28



1 of a single misdemeanor conviction for violation of Vehicle Code §23152, subdivision (b),
2 [driving with a blood-alcohol concentration of .08% or more) and enhanced by the special
3 allegations pursuant to Vehicle Code sections 23578 [driving under the influence with a
4 blood alcohol concentration of .15% or more] and 23152 [driving under the influence with a
5 prior], Respondent admits he plead nolo contendere to the charge and admitted the two special
6 allegations.

7 2. Respondent admits that said charges are now final.

8 3. It is Respondent's position that neither the misdemeanor offense nor the facts and
9 circumstances surrounding its commission involve moral turpitude or other misconduct
10 warranting discipline or regulation by the State Bar.

11 **AFFIRMATIVE DEFENSES**

12 4. First Affirmative Defense - Misconduct Unrelated to the Practice of Law

13 Respondent's misconduct did not occur in connection with the practice of law nor in such a
14 way that any client was harmed. The probationary conditions attached to Respondent's
15 criminal conviction are already designed to ensure that his potentially harmful misconduct
16 does not recur thereby making any further action by the State Bar unnecessary.

17 Dated: June 9, 2016.

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19 Stephen J. Strauss
20 Attorney for Respondent, David Charles Peterson
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1 STEPHEN J. STRAUSS, S.B. #129648
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2 South Pasadena, CA 91030
(323) 221-2286
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5 **PROOF OF SERVICE BY MAIL**

6
7 STATE OF CALIFORNIA)
8 COUNTY OF LOS ANGELES)
9

10 I am a resident of the county aforesaid. I am over the age of eighteen years and not a party to
11 the within-entitled action. My business address is 1107 Fair Oaks Ave., #885 South
Pasadena, CA 91030.

12
13 On June 9, 2016, in the matter of DAVID PETERSON, CASE NO.: 15-C-15093
WKM, I served on all interested parties in said action placing a true and correct copy of the

14 **RESPONSE TO NOTICE OF TRANSMITTAL OF CONVICTION**

15 in a sealed envelope and placed the envelope in the United States mail, postage prepaid at
Los Angeles, California addressed as follows:

16 Ms. Michaela Carpio
17 Deputy Trial Counsel
The State Bar of California - Enforcement
18 845 S. Figueroa Street
Los Angeles, CA 90017-2515

19 Ms. Kristin Ritsema, Esq.
20 Supervising Trial Counsel
The State Bar of California - Enforcement
21 845 S. Figueroa Street
Los Angeles, CA 90017-2515

22 EXECUTED on June 9, 2016 at Los Angeles, California.

23 I declare under penalty of perjury that the foregoing is true and correct.
24

25 
26 Stephen Strauss