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**FILED**

OCT 22 2015

STATE BAR COURT CLERK'S OFFICE  
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7 Attorneys for Respondent  
8 TERENCE TYRONE HALLINAN

STATE BAR COURT

HEARING DEPARTMENT-- SAN FRANCISCO

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12  
13 IN THE MATTER OF  
14 TERENCE TYRONE HALLINAN,  
15 No. 39953,  
16  
17 A MEMBER OF THE STATE BAR

Case No. 15-N-14160

ANSWER OF RESPONDENT TERENCE  
TYRONE HALLINAN TO NOTICE OF  
DISCIPLINARY CHARGES

INITIAL STATUS CONFERENCE  
Date: November 2, 2015  
Time: 9:30 AM  
Dept: Judge Lucy Armendariz :

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22  
23 Respondent TERENCE TYRONE HALLINAN answers the State Bar's Notice of  
24 Disciplinary Charges against him as follows:

25 COUNT ONE  
26

27 In response to the allegations in Count One, Respondent admits that he failed to  
28



1 file his Declaration in compliance with Rule 9.20 with the State Bar Court prior to June 19, 2015,  
2 as required by Supreme Court order no. S223685, but denies that said failure was **willful**.

3  
4 FIRST AFFIRMATIVE DEFENSE

5 Through his attorneys in this case—Brendan Hallinan #232052, and Michael  
6 McCloskey #55903—Respondent filed his Rule 9.20 Declaration with the State Bar Court on  
7 September 21, 2015. Respondent suffers from two serious physical and mental afflictions, which  
8 have gravely impaired his short-term memory. For this reason, Respondent has not actively  
9 practiced law for more than two years. Also for this reason, Respondent will surely not be able  
10 to practice law again. In the underlying case [State Bar Investigation, Case No. 14-O-01024],  
11 Respondent represented himself, without even informing his law office of the proceeding.  
12 Respondent signed the Stipulation to resolve that case on November 12, 2014, which Stipulation  
13 led to the Supreme Court Order [No. S223685], a copy of which is attached to the Disciplinary  
14 charges filed by the State Bar’s Trial Counsel in this case. After signing the Stipulation in the  
15 underlying case, Respondent simply was unable to remember the Stipulation or its requirements.  
16 The entire matter was discovered by his law office—including his present attorneys—in  
17 September, 2015, who thereafter intervened in this case. Respondent, himself, is blameless in  
18 his failure to comply with the Order in the underlying case, because his physical and mental  
19 conditions rendered him unable to comply.  
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23  
24 SECOND AFFIRMATIVE DEFENSE

25 Respondent has an exemplary history of professional legal accomplishment and  
26 service, extending back more than 50 years. In 1963, while campaigning for civil rights law  
27 passage in Mississippi, he was jailed by local authorities for “littering” by distributing flyers.  
28

1 Once jailed, local authorities denied that they had him in custody—even to Respondent’s father.  
2 And this was close in time to the murders of Northern civil rights activists Goodman, Schwerner,  
3 and Chaney, also in Mississippi. Respondent was rescued that night only because U.S. Attorney  
4 General Robert Kennedy sent Federal marshals to the jail with instructions to take Respondent  
5 into Federal protective custody. From 1988 through 2004, Respondent served two 4-year terms  
6 as a San Francisco Supervisor, followed by two 4-year terms as San Francisco District Attorney.  
7  
8 These are strong mitigating circumstances.

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10  
11 THIRD AFFIRMATIVE DEFENSE

12 Respondent’s offense in the underlying discipline case was that he deposited his  
13 own funds—at a time when he had no clients and held no clients’ funds—into his Attorney Trust  
14 Account. In issuing its stipulated order of suspension in the underlying case, the State Bar  
15 Investigation took pains to point out that “no clients were injured” by Hallinan’s technical  
16 violation. Respondent’s lack of discretion in this regard was also the result of his physical and  
17 mental deterioration.  
18

19  
20 FOURTH AFFIRMATIVE DEFENSE

21 Respondent will certainly never actively practice law again. He will be 79 years  
22 old on December 4 of this year, and his physical decline is not reversible. Nonetheless, he does  
23 not wish to resign from the State Bar—or to face additional discipline. Instead, he wishes to  
24 complete his Probation satisfactorily, and to spend the rest of his life on “inactive” status.  
25 Respondent’s present attorneys in this matter can guarantee the oversight of Respondent’s  
26 successful completion of his Probation.  
27  
28



## PROOF OF SERVICE

I declare that I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within entitled action. My business address is 345 Franklin Street, San Francisco, California 94102.

On the date below, I served the attached:

ANSWER OF RESPONDENT TERENCE TYRONE HALLINAN TO NOTICE OF DISCIPLINARY CHARGES

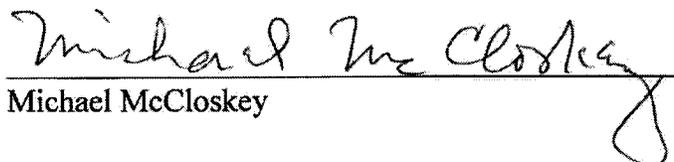
On the State Bar of California Office of Chief Trial Counsel in THE MATTER OF TERENCE TYRONE HALLINAN, State Bar Court - San Francisco Case No. 15-N-14160, and on HALLINAN's Probation Officer with the State Bar by FIRST CLASS MAIL, postage prepaid, mailed at San Francisco, California, addressed as follows:

Heather E. Abelson, Esq  
180 Howard Street  
San Francisco, CA 94105

Officer Michael Angelo Kanterakis  
Office of Probation – State Bar of California  
845 South Figueroa Street  
Los Angeles, CA 90017

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed at San Francisco, California on October 20, 2015.

21, 2015

  
Michael McCloskey