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7 Attorney for Respondent  
8 STEVEN IRA WADLER

**FILED**  
**OCT 26 2015**  
**STATE BAR COURT**  
**CLERK'S OFFICE**  
**LOS ANGELES**

9 STATE BAR COURT  
10 HEARING DEPARTMENT- LOS ANGELES

11 In the Matter of ) Case no(s): 15-O-11969  
12 STEVEN IRA WADLER )  
13 no. 118960 ) RESPONSE TO NOTICE OF  
14 A Member of the State Bar ) DISCIPLINARY CHARGES  
15 [Rule of Procedure 5.43]

16 **Address for Service**

17 All documents in this matter should be served on respondent's counsel at the  
18 address above.

19 **Response to Allegations**

- 20 1. Respondent admits the allegations of paragraph 1.  
21 2. Count One (Bus. & Prof. Code section 6106)  
22 Respondent denies the allegations of paragraph 2  
23 3. Count Two (Bus. & Prof. Code section 6068(i))  
24 Respondent denies the allegations of paragraph 3.

25 **Affirmative Defenses**

- 26 1. The notice of discipline charges (NDC) and every count in it, fails to plead a  
27 disciplinable offense.

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1 2. With respect to Count One, at all relevant times, Respondent lacked the necessary  
2 *mens rea* to violate the statute.

3 3. With respect to Count Two, at all relevant times, Respondent lacked the necessary  
4 *mens rea* to violate the statute.

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6 **Facts Relevant To Defense**

7 *Count One*

8 Respondent graduated from the State University of New York at Binghamton with  
9 a BA in History and graduated from the California Western School of Law in San Diego  
10 *cum laude* in 1985. He passed the bar the first time and was sworn in July of 1985.

11 Respondent joined the San Diego County Public Defender's Office in May of 1989.

12 Respondent worked there and with the Alternate Public Defender's Office continuously  
13 until Respondent retired from the practice of law in December, 2010. Respondent's entire  
14 career with the Public Defender and Alternate Public Defender was as a front line,  
15 courtroom trial lawyer, including many jury trials in ranging from petty theft to capital  
16 murder. Respondent's reputation in the legal community for honesty, integrity and  
17 dedication to craft is outstanding.

18 Respondent did not practice law between December 2010 and September 2013.  
19 Between May 2011 and September 2013, Respondent was an inactive member of the  
20 State Bar. Respondent contacted State Bar Membership Services in September 2013 to  
21 inquire about returning to active status to undertake some legal work that required active  
22 licensure. He spoke by telephone with a staff member and was told that he merely needed  
23 to pay the necessary fees to resume active status. Respondent specifically asked about the  
24 MCLE requirements and was told that he did not need to fulfill those requirements.  
25 Respondent misinterpreted this advice to mean that he did not need to comply with MCLE  
26 requirements *after* he returned to active status. He did not realize that his return to active  
27 status *triggered* compliance with those requirements until he contacted by State Bar in  
28 July 2014 to inquire about changing his status back to inactive from active. Respondent

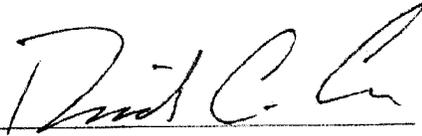
1 complied with his proportional MCLE requirements and provided evidence of that  
2 compliance to the State Bar in November 2014. In this interim, Respondent, in good faith  
3 and under a reasonable belief, certified his MCLE compliance to the State Bar on March  
4 21, 2014.

5 Count Two

6 In November 2013, Respondent and his wife decided to chase a long discussed  
7 dream to join the Peace Corps. After acceptance into the Peace Corps, Respondent and  
8 his wife left the United States June 2015, for the island of Dominica to begin their two year  
9 commitment which ends in August 2017. Respondent changed his membership records  
10 address to an address in Michigan and made arrangements to forward mail from that  
11 address to his brother. Respondent never received the July 7, 2015 letter.

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13 Respectfully submitted,

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15 Dated: October 19, 2015

By: 

16 David Cameron Carr  
17 Counsel for Respondent  
18 STEVEN IRA WADLER  
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DECLARATION OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of eighteen and not a party to the within action; my business address is: 525 B Street, Suite 1500, San Diego, California 92101-4417.

On October 19, 2015, I served the following documents described as:

RESPONSE TO NOTICE OF DISCIPLINARY CHARGES [Rule of Procedure 5.43]

VIA FIRST CLASS MAIL -- CCP §§ 1013(a); 2015.5: By placing a true copy thereof enclosed in a sealed envelope(s) addressed as indicated in attached service list, and placing each for collection and mailing on the date following ordinary business practices for the posting of first class mail. I am readily familiar with my firm's business practice and collection and processing of first class mail with the United States Postal Service and correspondence placed for collection and mailing would be deposited with the United States Postal Service at San Diego, California, with postage thereon fully prepaid that same day in the ordinary course of business.

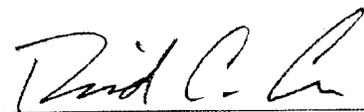
BY FACSIMILE

BY EMAIL to sherrell.mcfarlane:@calbar.ca.gov

SEE SERVICE LIST BELOW

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 19, 2015, at San Diego, California.



David Cameron Carr

Sherrell N. McFarlane  
Office of the Chief Trial Counsel  
The State Bar of California  
845 South Figueroa Street  
Los Angeles CA 90017-2515