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**ORIGINAL**

**State Bar Court of California  
Hearing Department  
Los Angeles  
REPROVAL**

**PUBLIC MATTER**

<p>Counsel For The State Bar</p> <p><b>Caitlin M. Elen-Morin</b> Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1653</p> <p>Bar # 272163</p>	<p>Case Number(s): 16-C-13433-CV</p>	<p>For Court use only</p> <p><b>FILED</b></p> <p>APR 26 2017 P.B.</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p><b>David A. Clare</b> 444 West Ocean Blvd., Suite 800 Long Beach, CA 90802 (562) 624-2837</p> <p>Bar # 44971</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>CURTIS LEE SURLS</b></p> <p>Bar # 136664</p> <p>A Member of the State Bar of California (Respondent)</p>		

**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 **December 7, 1988**.
- (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 **12** 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):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
  - Case ineligible for costs (private reproof).
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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 or a separate attachment entitled "Prior Discipline."

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- (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.
- (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 investigation 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.

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

**Additional mitigating circumstances:**

**Pretrial Stipulation (See Attachment, page 9).**  
**No Prior Discipline (See Attachment, page 9).**  
**Community Involvement (See Attachment, page 9).**

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproof:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of **one (1) year**.
- (2)  During the condition period attached to the reproof, 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 reprobation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the reprobation conditions period, 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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of reprobation with the probation monitor to establish a manner and schedule of compliance. During the reprobation conditions period, Respondent must furnish 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 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 conditions attached to the reprobation.
- (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.
  - 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)  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 within one year of the effective date of the reprobation.

No MPRE recommended. Reason: **Respondent's misconduct is not related to the practice of law. The protection of the public and the interests of respondent do not require the passage of the MPRE. (See In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181.)**

- (11)  The following conditions are attached hereto and incorporated:

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- |   |   |
|---|---|
| <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:**

**Respondent recognizes that a repeat conviction for DUI suggests an alcohol and/or drug problem that needs to be addressed before it affects respondent's legal practice. Respondent agrees to take the steps necessary to control the use of alcohol and/or drugs such that it will not affect respondent's law practice in the future. Respondent's agreement to participate in an abstinence-based self-help group (as defined herein), as a condition of discipline, is part of respondent's efforts to address such concerns.**

**As a condition of probation, and during the period of probation, respondent must attend a minimum of two (2) meetings per month of any abstinence-based self-help group of respondent's choosing, including without limitation Alcoholics Anonymous, Narcotics Anonymous, LifeRing, S.M.A.R.T., S.O.S., etc. Other self-help maintenance programs are acceptable if they include a subculture to support recovery, including abstinence-based group meetings. (See O'Conner v. Calif. (C.D. Calif. 1994) 855 F. Supp. 303 [no First Amendment violation where probationer given a choice between AA and a secular program.] ) Respondent is encouraged, but not required, to obtain a sponsor during the term of participation in these meetings.**

**The program called "Moderation Management" is not acceptable because it is not abstinence-based and allows the participant to continue consuming alcohol.**

**Respondent must contact the Office of Probation and obtain written approval for the program respondent has selected prior to attending the first self-help group meeting. If respondent wants to change groups, respondent must first obtain the Office of Probation's written approval prior to attending a meeting with the new self-help group.**

**Respondent must provide to the Office of Probation satisfactory proof of attendance of the meetings set forth herein with each Quarterly Report submitted to the Office of Probation. Respondent may not sign as the verifier of his or her own attendance.**

**Respondent is encouraged, but is not required, to participate in the Lawyers' Assistance Program, to abstain from alcohol and illegal drugs, and to undergo random urinalysis testing to complement abstinence.**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                   CURTIS LEE SURLS

CASE NUMBER:                       16-C-13433-CV

**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 other misconduct warranting discipline.

Case No. 16-C-13433 (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 May 24, 2016, the Los Angeles City Attorney's Office filed a misdemeanor complaint against respondent in the Los Angeles Superior Court, case no. 6AR00827, charging respondent with violations of Vehicle Code sections 23152(a) [driving under the influence of alcohol with one prior] and 23152(b) [driving with 0.08% or more blood alcohol content ("BAC")]. The complaint alleged that respondent had a prior conviction on May 19, 2008, for violation of Vehicle Code section 23152(a), committed on February 10, 2008.

3. On August 30, 2016, respondent pled no contest to the violation of Vehicle Code section 23152(b) and the violation of Vehicle Code section 23152(a) was dismissed.

4. At the time of the entry of respondent's plea, the court suspended the imposition of sentence and placed respondent on five years' summary probation with conditions that included: 96 hours in county jail; enrollment in a licensed 18-month second offender alcohol education and counseling program; attendance at Alcoholics Anonymous ("AA") meetings twice per week until respondent has attended 52 meetings; that respondent not drive any vehicle with any measurable amount of alcohol or drugs in his blood; and that respondent not operate a vehicle without a valid driver's license or without liability insurance. Respondent was also ordered to pay restitution to the state.

5. On December 16, 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 that the Hearing Department finds that the facts and circumstances surrounding the offenses for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

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FACTS:

6. On May 9, 2016, at approximately 8:00 p.m., respondent was driving under the influence of alcohol when he was pulled over by a Los Angeles Police Department ("LAPD") officer in Westchester, California.

7. Upon being pulled over, respondent was cooperative and informed the officer that he had consumed two 12 oz. martinis approximately thirty minutes prior to the traffic stop. During the exchange of dialogue, the officer observed respondent had bloodshot red watery eyes, slurred speech, and droopy eyelids. The odor of mouth wash was also emanating from respondent's vehicle and his breath.

8. Based on the objective symptoms the officer observed, field sobriety tests were conducted. Respondent, however, was unable to perform the field sobriety tests as demonstrated and he was placed under arrest for driving under the influence of alcohol and transported to the LAPD Pacific Division for booking.

9. While at the police station, respondent recorded BAC readings of .17% at 8:33 p.m., .20% at 8:35 p.m. and .18% at 8:38 p.m.

RESPONDENT'S PRIOR CONVICTION:

10. On February 9, 2008, at approximately 11:46 p.m., respondent was driving while under the influence of alcohol in Torrance, California.

11. Upon being pulled over, respondent was cooperative and advised the officers that he had consumed two glasses of wine and a martini, approximately one hour prior to the traffic stop. The officers observed that respondent had bloodshot watery eyes, mumbled slurred speech, and a strong odor of alcohol on respondent's breath.

12. Following the officer's observations of respondent, field sobriety tests were conducted; however, respondent was unable to complete them as demonstrated. A Preliminary Alcohol Screening test was administered to respondent at 12:13 a.m. on February 10, 2008, which recorded a BAC reading of .17%. Respondent was arrested on suspicion of driving under the influence of alcohol and transported to the police station where a chemical breath test was administered to respondent at 12:35 a.m. which recorded a BAC of .15%.

13. On February 29, 2008, the Los Angeles District Attorney's Office filed a misdemeanor complaint, case number 8SY01895, against respondent which charged him with violating Vehicle Code section 23152(a) [driving under the influence of alcohol], and 23152(b) [driving with a blood alcohol content of 0.08% or more].

14. On May 19, 2008, respondent pled nolo contendere to a violation of Vehicle Code section 23152(a) and he was placed on summary probation for 36 months, with conditions including that respondent enroll in a first-offender alcohol education and counseling program and pay restitution to the state. The charge of Vehicle Code section 23152(b) was dismissed. Respondent successfully completed probation and subsequently brought a motion to dismiss, pursuant to Penal Code section 1203.4/1203.4(A), which was granted on November 5, 2012.



## CONCLUSIONS OF LAW:

15. The facts and circumstances surrounding the above-described violations did not involve moral turpitude but did involve other misconduct warranting discipline.

### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Respondent had almost 20 years of practice (he was admitted December 7, 1988) without any discipline when he was convicted of his first DUI, in May 2008, and more than 27 years of practice without discipline when he committed the second DUI, in May 2016, and is entitled to significant mitigation. (*Friedman v. State bar* (1990) 50 Cal.3d 235 [The Supreme Court held that practicing law for over 20 years with no prior discipline was “highly significant.”].)

**Community Involvement:** Respondent has volunteered within the legal community and continues to do so. He has served as a section chair for the Los Angeles County Bar Association (“LACBA”) and served on the Judicial Elections Committee within the organization. Additionally, respondent was appointed to the Nominating Committee for the Board of Directors of the California Employment Lawyer’s Association and won the Outstanding Section Leader award in 2016 for his work as chair of the Labor and Employment Section of the LACBA. Respondent also volunteered for the Los Angeles County Superior Court’s former CRASH program, which teamed lawyers and judicial officers to mediate employment cases. Respondent continues to volunteer as an evaluator for the moot court program of the American Bar Association’s Labor and Employment Law Student Trial Advocacy Competition and previously served as an Officer on the Board of Directors of the Disability Rights Legal Center and served as the chair of their annual fundraising dinner. Respondent is entitled to some mitigative credit for his community involvement. (See *Calvert v. State Bar* (1991) 54 Cal.3d 765, 785; *Schneider v. State Bar* (1987) 43 Cal.3d 784, 799.)

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*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]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney’s stipulation to facts and culpability was held to be a mitigating circumstance].)

### 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 Silvertan* (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).)

The applicable Standard here is Standard 2.16(b), which states “[s]uspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline.” This Standard applies to respondent’s misdemeanor conviction, which did not involve moral turpitude. In a criminal conviction referral proceeding, “discipline is imposed according to the gravity of the crime and the circumstances of the case.” (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Ba Ct. Rptr. 502, 510.)

In this matter, respondent was convicted of a misdemeanor for driving under the influence of alcohol with a prior conviction of the same crime. Respondent’s conduct warrants discipline in light of the fact that this was respondent’s second conviction for driving under the influence of alcohol. (*In re Kelley* (1990) 52 Cal.3d 487, 494.) While respondent’s conduct was not related to the practice of law, it was nonetheless serious as his impaired driving posed a threat of danger to himself and the public. However, in light of the significant mitigation and the absence of any aggravation, discipline at the lower end of the range of discipline set forth in Standard 2.16(b) is appropriate. A public reproof with conditions is appropriate pursuant to Standard 2.16(b) and will serve the purposes of imposing discipline set forth in Standard 1.1.

This level of discipline is in accord with Supreme Court precedent. In *In re Kelley* (1990) 52 Cal.3d 487, an attorney was convicted twice of drunk driving within a 31-month period. Noting there had been no specific harm caused to the public or the courts, as well as the attorney’s significant mitigating evidence – lack of prior discipline, community service, and cooperation in the disciplinary proceedings – the Court ordered the attorney publicly reproofed and directed her to participate in the State Bar’s program on alcohol abuse.

Like the attorney in *Kelley*, respondent has been twice convicted for driving under the influence of alcohol, which did not cause harm to the public. In light of the above facts and circumstances, discipline consisting of a public reproof is appropriate to protect the public, courts and legal profession; maintain high professional standards by attorneys; and preserve public confidence in the legal profession

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 12, 2017, the discipline costs in this matter are \$2,629. 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 MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT**

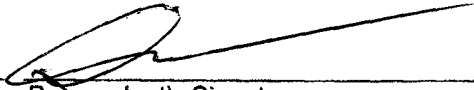
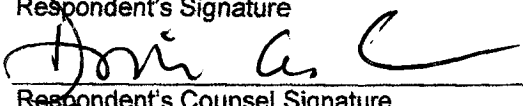
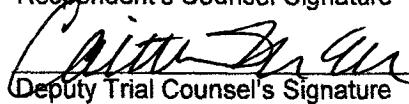
Respondent may not receive MCLE credit for completion of State Bar Ethics School or any other educational course(s) to be ordered as a condition of reproval or suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>CURTIS LEE SURLS</b>	Case number(s): <b>16-O-13433-CV</b>
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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>4-14-17</u> Date	 Respondent's Signature	<u>Curtis Lee Surls</u> Print Name
<u>4/17/2017</u> Date	 Respondent's Counsel Signature	<u>David A. Clare</u> Print Name
<u>4-18-2017</u> Date	 Deputy Trial Counsel's Signature	<u>Caitlin M. Elen-Morin</u> Print Name

(Do not write above this line.)

In the Matter of: <b>CURTIS LEE SURLS</b>	Case Number(s): <b>16-C-13433-CV</b>
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### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

1. On page 1 of the Stipulation, "Submitted to: Settlement Judge" is deleted, and its place is inserted "Submitted to: Assigned Judge".
2. On page 6 of the Stipulation, section F, paragraph 2, line 1, all references to the word "probation" are changed to "reproof".
3. In the caption on page 12 of the Stipulation, case number "16-O-13433-CV" is deleted, and in its place is inserted "16-C-13433-CV".

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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

April 25, 2017  
Date

Cynthia Valenzuela  
CYNTHIA VALENZUELA  
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 April 26, 2017, 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:

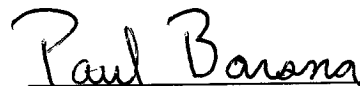
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID ALAN CLARE  
DAVID A CLARE, ATTORNEY AT LAW  
444 W OCEAN BLVD STE 800  
LONG BEACH, CA 90802**

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**CAITLIN M. ELEN-MORIN, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 26, 2017.



Paul Barona  
Case Administrator  
State Bar Court