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<p align="center">State Bar Court of California Hearing Department Los Angeles REPROVAL PUBLIC MATTER</p>		
<p>Counsel For The State Bar</p> <p>Eric Aufdengarten Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1369</p> <p>Bar # 297228</p>	<p>Case Number(s): 17-C-02922-CV</p>	<p>For Court use only</p> <p align="center">FILED <i>EE</i> NOV 29 2017 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Michael Conroy McMahon 5183 Concord Place Carpinteria, CA 93013 (805) 881-3280</p> <p>Bar # 71909</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PUBLIC REPROVAL</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: MICHAEL CONROY McMAHON</p> <p>Bar # 71909</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 22, 1976**.
- (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 **13** 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."

- (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.

- (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. **See page 9.**
- (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:

No Prior Record of Discipline, see page 9.

Pretrial Stipulation, see 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 Reproval:

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of **2 years**.
- (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: **The protection of the public and the interests of the respondent do not require passage of the MPRE in this case. (See In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181; rule 9.19, Cal. Rules of Court.)**

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

☒ Substance Abuse Conditions

☐ Law Office Management Conditions

(Do not write above this line.)

☐ Medical Conditions

☐ Financial Conditions

F. Other Conditions Negotiated by the Parties:

None.

In the Matter of:

MICHAEL CONROY McMAHON

Case Number(s):

17-C-02922-CV

Substance Abuse Conditions

a. ☒ Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

b. ☒ Respondent must attend at least 2 meetings per month of:

☒ Alcoholics Anonymous

☐ Narcotics Anonymous

☐ The Other Bar

☐ Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

c. ☒ Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.

d. ☒ Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.

e. ☒ Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MICHAEL CONROY McMAHON

CASE NUMBER: 17-C-02922-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. 17-C-02922-CV (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 April 3, 2017, the Santa Barbara County District Attorney filed a criminal complaint in the Santa Barbara County Superior Court, case number 17CR03087, charging respondent with one count of violating Vehicle Code section 23152(a) [Driving under the Influence of Alcohol], a misdemeanor, and one count of violating Vehicle Code section 23152(b) [Driving while Having a 0.08% or Higher Blood Alcohol], a misdemeanor. Respondent had a prior conviction on May 18, 2015, for violating Vehicle Code section 23152(a) [Driving under the Influence of Alcohol], a misdemeanor, in Santa Barbara County Superior Court, case number 1475289.
3. On May 10, 2017, the court entered respondent's plea of no contest to the count of violating Vehicle Code section 23152(b) [Driving while Having a 0.08% or Higher Blood Alcohol], a misdemeanor, with a prior conviction on May 18, 2015, for violating of Vehicle Code section 23152(a) [Driving under the Influence of Alcohol], a misdemeanor, in Santa Barbara County Superior Court, case number 1475289. Based thereon, the court found respondent guilty of that count. Respondent also admitted to a violation of his probation in case number 1475289.
4. On May 10, 2017, the court sentenced respondent to 364 days in jail, with three years of probation. The court ordered respondent to serve 45 days in Santa Barbara County Jail beginning November 13, 2017, with credit for 4 days. Probation conditions included participation for at least 18 months in and successfully completing a state licensed education and counseling program for multiple offenders, not driving a motor vehicle unless in possession of a valid California driver's license, registration, and insurance, and to not drive with any measurable amount of alcohol in his blood. Respondent was ordered to pay fines of \$1,690 and \$175 no later than August 10, 2017. The District Attorney dismissed the remaining count.
5. On July 26, 2017, 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 offense for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

6. On January 30, 2017, at 7:59 p.m., a California Highway Patrol Officer (the "Traffic Stop Officer") stopped respondent as he was driving southbound on U.S. Highway 101 in Summerland, California, because respondent was driving without tail lights, crossed the lane lines, and almost hit a guardrail. The Traffic Stop Officer smelled alcohol emitting from the vehicle, and respondent was sluggish and moved slowly looking for the requested documents.

7. At 8:15 p.m., another California Highway Patrol Officer (the "Arresting Officer") arrived at the scene. The Arresting Officer smelled alcohol emitting from respondent's car as respondent sat in the car. After respondent exited the car, and the Arresting Officer was standing approximately one arm's length away from respondent, the Arresting Officer continued to detect the strong distinct odor of alcohol emitting from respondent's breath and person. Respondent's eyes were red and watery.

8. Respondent admitted to the Arresting Officer that he had consumed two 12-ounce "IPA" beers. Respondent stated he began drinking at approximately 7:00 p.m., and stopped drinking approximately 10 minutes before he began driving. Respondent told the Arresting Officer that he had a spinal epidural approximately four months prior, and that he took his regular dosage of Rampirl earlier that morning. Respondent denied that the medication affected his ability to drive.

9. The Arresting Officer observed that respondent's demeanor was sluggish, pausing before responding to questions. The Arresting Officer then conducted three Field Sobriety Tests on respondent. Respondent's eyes were unable to smoothly follow a moving stimulus. Respondent provided two samples for a Preliminary Alcohol Screening, with results of .157 and .152. Two breath tests were conducted, at 9:37 p.m. and 9:39 p.m., with results of .13 for each test.

PRIOR CONVICTIONS:

10. On February 10, 2003, respondent pleaded guilty and was convicted of violating Vehicle Code 23152(a) [Driving under the Influence of Alcohol] in Marin County Superior Court, case number CR125096A. Respondent was sentenced to three years of probation, fined a total of \$1,145, and ordered to complete his first offender DUI program within 180 days. Respondent's driver's license was restricted for 90 days.

11. On May 18, 2015, respondent pleaded no contest and was convicted of violating Vehicle Code 23152(a) [Driving under the Influence of Alcohol] in Santa Barbara County Superior Court, case number 1475289. Respondent was placed on three years of unsupervised probation with conditions. Respondent was ordered to serve 10 days in jail, with credit for 1 day served, and to pay restitution and fines totaling \$1690. Respondent was ordered to complete 9 months of DUI School by May 18, 2016. Respondent completed a 9-month court-ordered DUI Program on February 22, 2016.

CONCLUSIONS OF LAW:

12. The facts and circumstances surrounding the above-described violation do not involve moral turpitude but do involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

None.

MITIGATING CIRCUMSTANCES

Good Character (Std. 1.6(f)): The State Bar has received 14 letters attesting to respondent's good character from a wide range of references in both the legal and general communities, whose authors show they are aware of the full extent of respondent's misconduct. The letters are from employers, co-workers, fellow board members, a state senator, and personal friends who have known respondent anywhere from 9 to 47 years. They collectively describe respondent as an excellent attorney who treats colleagues, clients, and opponents with respect, dignity, and compassion; who is dedicated to his clients; and who has volunteered thousands of hours serving on boards and committees of professional organizations, training and mentoring other attorneys, and coaching high school mock trial teams. The quality and quantity of respondent's character evidence warrants significant mitigating weight, particularly due to the testimony of witnesses who have a strong interest in maintaining the honest administration of justice. (*In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 330, 335.)

No Prior Discipline: Respondent was admitted to practice on December 22, 1976, and has no prior record of discipline. Respondent had approximately 40 years of practice prior to his arrest on January 30, 2017. Respondent is entitled to highly significant mitigation credit for his 40 years of discipline-free practice prior to the current misconduct. (*Friedman v. State Bar* (1990) 50 Cal.3d 235, 245.)

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged his misconduct and is entitled to mitigation for 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].)

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 Silverton* (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).)

In the context of criminal convictions, the facts and circumstances surrounding the commission of a crime can involve moral turpitude even when the crime itself does not per se involve moral turpitude. (*In re Higbie* (1972) 6 Cal. 3d 562, 572.) However, there is no evidence that supports a finding that the facts and circumstances surrounding the respondent’s conviction involve moral turpitude.

Nevertheless, attorneys may be disciplined for “other misconduct warranting discipline” for misconduct not amounting to moral turpitude as an exercise of the California Supreme Court’s inherent power to control the practice of law to protect the profession and the public. (*In re Kelley* (1990) 52 Cal. 3d 487, 494.)

Respondent’s offenses do not involve moral turpitude, but do involve other misconduct warranting discipline.

Suspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline. (Std. 2.16(b).)

To determine the appropriate level of discipline, consideration must be given to the aggravating and mitigating circumstances. In mitigation, Respondent has no prior record of discipline since being admitted in 1976 and has voluntarily entered into this stipulation. Respondent also has presented 14 letters attesting to respondent’s good character from a wide range of references in both the legal and general communities, whose authors show they are aware of the full extent of respondent’s misconduct. There are no aggravating circumstances.

Respondent has three convictions for offenses involving alcohol and driving. Further, Respondent committed the third offense while on probation for the second. Respondent’s misconduct is serious because it demonstrates a disregard for the law and safety of others. However, the misconduct does not involve the practice of law and the conditions attached to this discipline, if complied with, should minimize the likelihood of Respondent engaging in similar misconduct in the future. Therefore, a discipline at the low end of the range discussed in standard 2.16(b) is sufficient to achieve the purposes of discipline expressed in standard 1.1, including protection of the public. Accordingly, imposition of public reproof is appropriate.

This disposition is also in accord with Supreme Court precedent. (See *In re Kelley* (1990) 52 Cal. 3d 487.) Kelley pleaded nolo contendere to a charge of driving with a blood-alcohol level exceeding 0.10 percent, and while she was on probation from the first sentence, she pleaded nolo contendere to a second violation of driving with a blood-alcohol level exceeding 0.10 percent, as well as a probation violation. (*Id.* at 491.) In discipline, Kelley received public reproof and was placed on disciplinary probation for three years, including referral to the State Bar Program on Alcohol Abuse. The court noted that Kelley’s

convictions and violation of the court order did not cause specific harm to the public or the courts. Additionally, the court noted several significant mitigating factors, including lack of prior disciplinary record, extensive involvement in community service, and cooperation during disciplinary proceedings. The court found that relatively minimal discipline was warranted for Kelley, even though her crimes were serious and involved a threat of harm to the public. (*Id.* at 498.)

Similar to *Kelley*, a longer period of disciplinary probation is warranted for respondent due to the length of his criminal probation and the substance abuse conditions of probation. Respondent's criminal probation is for three years, and includes participation for at least 18 months in and successfully completing a state-licensed education and counseling program for multiple offenders. Disciplinary probation of two years is appropriate, as it would allow respondent to complete his 18-month education and counseling program for multiple offenders.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of November 3, 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. (Rules Proc. of State Bar, rule 3201.)

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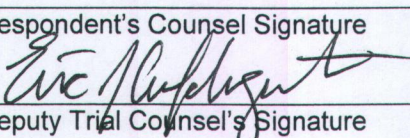
In the Matter of:
MICHAEL CONROY McMAHON

Case number(s):
17-C-02922-CV

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>11/14/2017</u>	<u></u>	<u>Michael Conroy McMahon</u>
Date	Respondent's Signature	Print Name

<u>11/17/2017</u>	<u></u>	<u>Eric Aufdengarten</u>
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of:
MICHAEL CONROY McMAHON

Case Number(s):
17-C-02922-CV

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 4 of the Stipulation, at paragraph C.(11), line 2, "page 9" is deleted, and in its place is inserted "page 10".
 2. On page 4 of the Stipulation, under "Additional mitigating circumstances," "see page 9" is deleted on both lines, and in both places is inserted "see page 10".

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.

November 29, 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 November 29, 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:

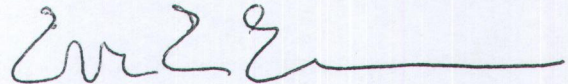
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL CONROY MCMAHON
5183 CONCORD PL
CARPINTERIA, CA 93013 - 1452**

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

ERIC J. AUFDENGARTEN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 29, 2017.



Erick Estrada
Case Administrator
State Bar Court