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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<b>Counsel for the State Bar</b>  <b>Brian B. Baghai</b> <b>Deputy Trial Counsel</b> <b>845 S. Figueroa Street</b> <b>Los Angeles, CA 90017</b> <b>(213) 765-1376</b>  <b>Bar # 258112</b>	<b>Case Number(s):</b> <b>17-C-07003-CV</b>	<b>For Court use only</b>  <div style="text-align: center;"> <b>FILED</b>  <b>NOV 08 2018</b> P.B.  <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div>
<b>In Pro Per Respondent</b>  <b>Jonathan William Wallace</b> <b>613 Seaview Ln.</b> <b>Costa Mesa, CA 92626-3133</b> <b>(858) 204-9382</b>  <b>Bar # 288395</b>	<b>Submitted to: Settlement Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> <b>JONATHAN WILLIAM WALLACE</b>  <b>Bar # 288395</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>		

**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 28, 2012**.
- (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 **22** 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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

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- (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. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
  - Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. SELECT ONE of the costs must be paid with Respondent's membership fees for each of the following years:  
  
If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be 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.

**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.
- (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.

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- (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 Respondent's misconduct. **See page 18.**
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 18.**
- (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 [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 Respondent's misconduct or to the State Bar during disciplinary investigations 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 Respondent's 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 Respondent.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (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 Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

Pretrial Stipulation, see page 18.

**D. Recommended Discipline:**

- (1)  **Actual Suspension:**
- Respondent is suspended from the practice of law for **two (2) years**, the execution of that suspension is stayed, and Respondent is placed on probation for **three (3) years** with the following conditions.
- Respondent must be suspended from the practice of law for the first **six (6) months** of the period of Respondent's probation.
- (2)  **Actual Suspension "And Until" Rehabilitation:**
- Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.
- Respondent must be suspended from the practice of law for a minimum of the first \_\_\_\_\_ of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
- (3)  **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**
- Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.
- Respondent must be suspended from the practice of law for a minimum of the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:







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- (2)  **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3)  **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4)  **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5)  **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6)  **Quarterly and Final Reports:**
- a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
- b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).
- d. **Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation

or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7)  **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8)  **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because
- (9)  **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10)  **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete \_\_\_\_\_ hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11)  **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.
- (12)  **Minimum Continuing Legal Education (MCLE):** Within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete \_\_\_\_\_ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in SELECT ONE \_\_\_\_\_ and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the

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date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

- (13)  **Other:** Respondent must also comply with the following additional conditions of probation:
- (14)  **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15)  **The following conditions are attached hereto and incorporated:**
- Financial Conditions  Medical Conditions
- Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

#### F. Other Requirements Negotiated by the Parties (Not Probation Conditions):

- (1)  **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2)  **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because
- (3)  **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20

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is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (4)  **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of “clients being represented in pending matters” and others to be notified is the filing date of the Supreme Court order, not any later “effective” date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney’s failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (5)  **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because
- (6)  **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:



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In the Matter of: <b>JONATHAN WILLIAM WALLACE</b>	Case Number(s): <b>17-C-07003</b>
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### Substance Abuse Conditions

- a.  **Abstinence:** Respondent must abstain from using alcoholic beverages and must not use or possess any illegal drugs or illegal drug paraphernalia. In each quarterly and final report, Respondent must report compliance with this condition.
- b.  **Abstinence Program Meetings:** Respondent must attend a minimum of 2 meetings per month of an abstinence-based self-help group approved by the Office of Probation. Programs that are not abstinence-based and allow the participant to continue consuming alcohol are not acceptable. Respondent must contact the Office of Probation and obtain written approval for the program Respondent wishes to select prior to receiving credit for compliance with this condition for attending meetings of such group. Respondent must provide to the Office of Probation satisfactory proof of attendance at such group meetings with each quarterly and final report; however, in providing such proof, Respondent may not sign as the verifier of such attendance.
- c.  **Laboratory Testing:** Within 45 days after the effective date of the SELECT ONE order imposing discipline in this matter, Respondent must select a licensed medical laboratory or laboratories acceptable to the Office of Probation and having the capability to provide observed testing of Respondent as specified below. Respondent must provide a copy of this condition and of the Office of Probation Lab Test Information Sheet to each and every laboratory Respondent uses to perform any portion of the testing required to comply with this probation condition. In the event that Respondent subsequently is informed or learns that any laboratory, previously approved by the Office of Probation to conduct the testing set forth below, is no longer willing or able to perform such testing in the manner set forth below, Respondent must (1) notify the Office of Probation in writing of that fact within 72 hours after acquiring such information, and (2) select a new licensed medical laboratory, acceptable to the Office of Probation and capable of providing observed testing of Respondent as specified below, sufficiently promptly that Respondent will be able to continue to comply timely with the testing requirements set forth below.

After the expiration of the first 60 days of Respondent's probation/reproval, Respondent must be tested monthly, at Respondent's expense, during the first five (5) days of each remaining calendar month of Respondent's probation/reproval conditions period to show that Respondent has abstained from the use of alcohol and drugs. This testing will include an ethyl glucuronide (EtG) test and a ten-panel drug test (or equivalent tests accepted and approved in advance by the Office of Probation) and for drugs and other substances specified by the Office of Probation, including but not necessarily limited to alcohol, amphetamines, methamphetamines, barbiturates, benzodiazepines, cocaine metabolite, opiates, oxycodone, marijuana, methadone, and propoxyphene. These tests must be performed by the laboratory pursuant to United States Department of Transportation guidelines, and all testing must be observed. Respondent must comply with all laboratory requirements regarding specimen collection and the integrity of specimens.

In addition to the monthly testing, the Office of Probation may require Respondent to undergo up to additional tests per month, as described above, during the period of Respondent's probation/reproval conditions period, at times selected by the Office of Probation on a random basis. During the period of probation/reproval conditions period, Respondent must maintain with the Office of Probation a current telephone number and email address at which Respondent can be reached. Such tests are to be performed by the laboratory no later than eight (8) hours after the Office of Probation's email and telephone call to Respondent that the Office of Probation requires such additional testing.

For each test, Respondent must instruct the laboratory to provide a screening report directly to the Office of Probation, at Respondent's expense, that contains an analysis of the above tests, shows that each tested



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sample was properly obtained, and demonstrates that the above testing requirements were satisfied. Failure to provide, or revocation of, such instruction for a particular required test may be deemed a failure to comply with this condition. Each screening report must be provided directly to the Office of Probation at or before the time that its results are disclosed to Respondent and within ten (10) days after the time that the tested sample is provided to the laboratory. Each report must record the date and time of the testing, list all of the substances for which Respondent was tested, and show the individual results for each such substance. An overall synopsis, e.g., "negative," with no specific breakdown, is not sufficient. In the event a previously selected and approved laboratory fails to provide the Office of Probation with test results or screening reports meeting the above requirements within two weeks of testing, the Office of Probation may require Respondent to choose a different licensed medical laboratory, approved by the Office of Probation, for future testing.

- d.  **Medical Waivers:** Within 45 days after the effective date of the SELECT ONE order imposing discipline in this matter, Respondent must provide the Office of Probation with an authorization to disclose and obtain medical information (medical waiver) and access to all of Respondent's medical records related to Respondent's substance abuse problem for the period . 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, the Office of Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing, or adjudicating this probation/reproval condition.
- e.  **Other:**

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

IN THE MATTER OF:                      JONATHAN WILLIAM WALLACE

CASE NUMBERS:                        17-C-07003

**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 moral turpitude.

Case No. 17-C-07003 (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 November 13, 2017, the Orange County District Attorney filed a criminal complaint in the Superior Court of California for the County of Orange, case no. 16WM15292, charging respondent with four counts: Count 1, violating Vehicle Code §23152(a) [driving under the influence of alcohol with two prior driving under the influence convictions], a misdemeanor; Count 2, violating Vehicle Code §23152(b) [driving with a blood alcohol level of .08% or more with two prior driving under the influence convictions], a misdemeanor; Count 3, violating Vehicle Code §14601.2(a) [driving on a suspended license], a misdemeanor; and Count 4, violating Vehicle Code §20002(a) [hit and run with property damage], a misdemeanor.

3. The complaint further alleged that respondent, as to Counts 1 and 2, had a blood alcohol concentration of .20 percent or more, by weight, and that respondent sustained two prior convictions for violating Vehicle Code §23152(b) [driving with a blood alcohol level of .08% or more], on November 16, 2006, in Santa Clara County (case no. CC646125), and September 12, 2013, in San Diego County (case no. 13716578A).

4. On February 1, 2018, respondent pled guilty to violating Vehicle Code §23152(a) [driving under the influence of alcohol with two prior driving under the influence convictions], a misdemeanor; violating Vehicle Code §23152(b) [driving with a blood alcohol level of .08% or more with two prior driving under the influence convictions], a misdemeanor; violating Vehicle Code §14601.2(a) [driving on a suspended license], a misdemeanor; and violating Vehicle Code §20002(a) [hit and run with property damage], a misdemeanor, as alleged in Counts 1 through 4.

5. On the Superior Court of California, County of Orange, Vehicle Code Misdemeanor Guilty Plea Form, dated February 1, 2018, respondent handwrote the following as the factual basis for his plea and signed it: "On or about 8/26/2016 I unlawfully drove a motor vehicle while under the influence of alcohol, with a .08% or more BAC, ie .31, while driving on a suspended license due to an alcohol related

offense, while driving in a reckless manner with disregard for the safety and property of others, with two prior convictions.” [sic]

6. On February 1, 2018, the court accepted respondent’s plea and admissions to the additional allegations, and found him guilty of all four counts. On that date, the court suspended the imposition of sentence and placed respondent on informal probation for a period of five years with conditions, which included incarceration in the county jail for 180 days, alcohol-related search terms, payment of court-ordered restitution totaling \$300, payment of fines and fees totaling \$890, and the requirement that he attend and complete an 18-month Multiple Offender Alcohol Program. The court designated respondent a “Habitual Traffic Offender.”

7. On June 14, 2018, 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(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

### Third Driving Under the Influence Conviction (16WM15292)

#### FACTS:

8. On August 26, 2016, respondent drove a vehicle while intoxicated. On that date at approximately 10:00 p.m., respondent was exiting the parking structure at the Triangle, a restaurant and entertainment shopping plaza, located at 1870 Harbor Boulevard in the City of Costa Mesa. While driving down the ramp from the fourth level of the parking structure to the third level, respondent’s vehicle, a blue Hyundai Genesis, collided with the rear bumper of a parked vehicle, a white Volvo XC90. Two witnesses observed this collision. The passenger side of respondent’s vehicle was stuck against the rear bumper of the Volvo. One witness observed respondent’s head tilted down with his chin touching his chest.

9. Respondent then proceeded to drive down to the second level of the parking structure, where he struck a second parked vehicle, a red Kia Forte. The force of that collision caused the parked Kia to collide with a silver Honda Accord parked next to it. Respondent then put his car in reverse and proceeded to exit the parking structure. Three witnesses observed this second collision. One witness observed respondent’s eyes were bloodshot, and that his head was nodding forward and his eyes were closing, leading her to believe respondent was intoxicated.

10. At approximately 10:30 p.m., respondent drove his car in reverse out of the driveway of the Triangle parking complex, proceeded across the eastbound lanes of traffic on Broadway still in reverse, and then into westbound lanes of traffic, causing westbound traffic on Broadway to yield to him, nearly causing a traffic collision. A Costa Mesa Police Department (“CMPD”) officer, responding to the scene of the hit-and-run collisions, observed respondent’s vehicle and initiated a traffic stop.

11. At approximately 11:00 p.m., a second CMPD officer was dispatched to the scene to assist with the hit-and-run traffic investigation. Respondent told the officer he left the parking structure to drive to his home located at 180 Cabrillo Street, which is 0.6 miles from the Triangle. Respondent’s eyes were red and watery and the odor of alcohol emitted from his breath as he spoke with the officer.

The officer asked respondent if he had been drinking, to which respondent replied, "No, I don't drink." Respondent then told the officer that he was drinking at the Yard House with his friend, "Ryan".

12. The officer conducted a records check of respondent which revealed he was on probation and had a suspended license from a prior driving under the influence ("DUI") conviction. The officer asked respondent if his license was suspended and respondent answered, "Yes," and that he had been arrested twice previously for DUI.

13. The officer administered field sobriety tests to respondent, including "one-leg stand" and "walk and turn". As he tried to stand, respondent lost his balance and had to be assisted by two other officers to prevent him from falling backwards onto the sidewalk. Respondent was unable to perform any of the balance and coordination tests explained and demonstrated by the officer. Respondent refused to do the "one-leg stand" and "walk and turn" tests. Respondent failed to successfully complete the other field sobriety tests administered to him.

14. The officer explained the Preliminary Alcohol Screening (PAS) admonition to respondent and respondent refused to submit to the PAS test.

15. Based on his observations of respondent, the officer placed respondent under arrest for violation of Vehicle Code, §23152(a) [driving under the influence of alcohol]. Another officer transported respondent to CMPD jail where respondent submitted to a blood test. Two results revealed respondent's blood alcohol content was 0.310% and 0.308%.

16. Respondent's conviction on February 1, 2018, was his third driving under the influence of alcohol conviction.

#### Second Driving Under the Influence Conviction (M166118)

17. Respondent was arrested on suspicion of driving under the influence of alcohol on March 10, 2013, after respondent was swerving across lanes while driving southbound on California State Route 163 in San Diego County. When one of the officers made contact with respondent, his eyes were watery, his breath smelled of alcohol and his speech was slurred as he spoke with the officer. Respondent admitted he drank two mixed gin drinks earlier that day. The officer administered to respondent a series of field sobriety tests which respondent failed to perform as explained and demonstrated.

18. At 3:23 a.m., the officer administered a Preliminary Alcohol Screening test. Respondent gave a breath sample resulting in a .211% BAC. Two minutes later at 3:25 a.m., respondent gave a second breath sample resulting in a .196% BAC. Thereafter, respondent was arrested for driving under the influence of alcohol.

19. The officer identified respondent by his California Driver License, which was found to be suspended due to a prior DUI conviction. Respondent stated that he knew his license was suspended and that he had a previous DUI. Respondent was then transported to San Diego County Jail where he completed a breath test. Respondent's blood alcohol content, as measured by the Intox EC/IR, was .184% at 4:05 a.m., and .183% at 4:07 a.m.

20. Thereafter, on April 18, 2013, misdemeanor charges were filed against respondent in San Diego County Superior Court, case no. M166118, alleging violations of Vehicle Code §23152(a) [driving under the influence of alcohol with a prior driving under the influence conviction within 10 years], Vehicle Code §23152(b) [driving with a blood alcohol level of .08% or more with a prior driving under the influence conviction], Vehicle Code §14601.2(a) [driving on a suspended license], and Vehicle Code §12500 [driving without a valid license].

21. On September 4, 2013, respondent pled guilty to violating Vehicle Code §23152(b) [driving with a blood alcohol level of .08% or more with a prior driving under the influence conviction], and the remaining counts were dismissed pursuant to Penal Code, section 1385.

22. On September 12, 2013, the court accepted respondent's plea and found him guilty. On that date, the court suspended the imposition of sentence and placed respondent on informal probation for a period of five years with conditions, which included incarceration in the county jail for 4 days; alcohol-related search terms; court-ordered restitution and fine payment; and the requirements that he enroll in and complete a Multiple Conviction Program, enroll in a Public Service Program within 60 days and complete 9 hours, attend two Alcoholics Anonymous/self-help meetings, and enroll in and complete the Mothers Against Drunk Driving (MADD) Program.

23. On December 16, 2013, the court summarily revoked respondent's probation for failure to show proof of enrollment in the Multiple Conviction Program. On that date, a bench warrant was issued and bail set for \$5,000. On January 10, 2014, respondent admitted to violating his probation, waived a hearing, and the court found him to be in violation of his probation. Respondent's probation was reinstated, continued with the same terms and conditions, with modification to the terms of his electronic monitoring. He was sentenced to 45 days in custody, stayed, pending completion of a 30-day home detention with electronic monitoring. Respondent was allowed to go to and from work and court-ordered activities with electronic monitoring, and had until February 10, 2014, to report to Sentinel Electronic Monitoring in Orange County for home detention. He was also required to enroll in and complete the Multiple Conviction Program by July 9, 2014. The previously ordered warrant was rescinded.

24. On July 23, 2014, the court again summarily revoked respondent's probation for failure to show proof of enrollment in the MADD program or attendance of two AA meetings. A bench warrant was again issued and bail set for \$5,000. That bench warrant is currently active and has not been resolved.

25. Respondent's conviction on September 12, 2013, was his second driving under the influence of alcohol conviction.

#### First Driving Under the Influence Conviction (CC646125)

26. Respondent was arrested on suspicion of driving under the influence of alcohol on October 2, 2006, after a California Highway Patrol ("CHP") officer was dispatched to the scene of a collision that occurred on California State Route 17 southbound in the city of Los Gatos. The officer contacted respondent who was sitting in his vehicle, stopped in the left shoulder of the highway. Respondent's vehicle was found to have received major damage consisting of a crushed hood; a crushed front end consisting of intrusion damage from the left front towards the right rear of the vehicle; crushed left and right front fenders; a crushed left front headlight assembly; a crushed front grille; suspension damage to

the front end; a removed rear bumper; and a gouge mark along the entire right side of the vehicle caused by contact with a steel wood guardrail.

27. Respondent had an unsteady gait and had trouble maintaining his balance as he exited his vehicle. He had red, watery eyes; a strong odor of alcohol emitted from his breath; and he had slurred, mumbled speech as he spoke with the officer. Respondent admitted that he drank two pints of beer earlier that day. The officer had respondent perform a series of Field Sobriety Tests which respondent failed to perform as explained and demonstrated.

28. Respondent submitted to a preliminary alcohol screen ("PAS") at 2:40 a.m., which resulted in a blood alcohol content reading of 0.175%, and 0.171% at 2:42 a.m. Thereafter, respondent was arrested for driving under the influence of alcohol and transported to the patrol station. At the station, respondent consented to a blood sample which was taken at 3:40 a.m., however results of that test were unavailable.

29. Based on the CHP officer's investigation of the events leading up to the collision, it was determined that respondent was traveling southbound on SR-17 in the #1 lane at approximately 55 mph; due to his level of intoxication, respondent allowed his vehicle to drift to the right off the roadway, colliding with the steel wood guardrail on the west edge of the roadway; after colliding with the guardrail, respondent continued southbound, drove across both lanes of traffic and collided with the cement center median bordering the east edge of the roadway; after the second collision, respondent continued southbound and collided with the cement wall a second time; respondent's vehicle continued to slide along the cement wall until it came to a rest.

30. Thereafter, on October 23, 2006, misdemeanor charges were filed against respondent in Santa Clara County Superior Court, case no. CC646125, alleging violations of Vehicle Code §23152(a) [driving under the influence of alcohol], and Vehicle Code §23152(b) [driving with a blood alcohol level of .08% or more], as well as alleging that respondent had a blood alcohol concentration of .15 percent and more, by weight.

31. On November 16, 2006, respondent pled no contest to violating Vehicle Code §23152(b) [driving with a blood alcohol level of .08%], and the remaining count was dismissed pursuant to Penal Code section 1385.

32. On November 16, 2006, the court accepted respondent's plea and found him guilty. On that date, the court suspended the imposition of sentence and placed respondent on informal probation for a period of three years with conditions, which included incarceration in the county jail for 20 days, to be completed through a Weekend Work Program alternative; alcohol-related search terms; court-ordered restitution and fine payment; and the requirement that he enroll in a 9-month First-time Offender Program within 30 days.

33. On March 6, 2007, respondent was found to be in violation of his probation for failure to appear for his court-ordered Weekend Work Program community service and his failure to give 24-hour notice that he was going to be absent. His probation was then reinstated and his previous sentence was modified to include an additional day to his required community service.

34. Respondent's conviction on November 16, 2006, was his first driving under the influence of alcohol conviction.



## AGGRAVATING CIRCUMSTANCES.

**Multiple Acts (Std. 1.5(b)):** Respondent's conduct is aggravated by multiple acts of misconduct, including driving under the influence of alcohol, hit-and-run driving, driving with a suspended license, and multiple convictions for driving under the influence of alcohol.

**Indifference (Std. 1.5(k)):** Respondent's multiple convictions for driving under the influence of alcohol, and the absence of evidence indicating a sustained period of abstinence or that he is addressing his substance abuse in any meaningful way, demonstrates his indifference towards rectification.

## MITIGATING CIRCUMSTANCES.

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged his 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 Silvertown* (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).)

Respondent's culpability in this proceeding is conclusively established by the record of his convictions. (Bus. & Prof. Code, section 6101, subd. (a); *In re Crooks* (1990) 51 Cal.3d 1090, 1097.) Respondent is



presumed to have committed all of the elements of the crimes of which he was convicted. (*In re Duggan* (1976) 17 Cal.3d 416, 423; *In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 581, 588.) The applicable Standard here is Standard 2.15(c), which states, “Disbarment or actual suspension is the presumed sanction for final conviction of a misdemeanor involving moral turpitude.”

The Supreme Court recently discussed the moral turpitude standard in the context of criminal convictions:

Moral turpitude is a concept that “defies exact description” (*In re Mostman* (1989) 47 Cal.3d 725, 736, 254 Cal. Rptr. 286, 765 P.2d 448) and “cannot be defined with precision” (*Baker v. State Bar* (1989) 49 Cal.3d 804, 815, fn. 3, 263 Cal. Rptr. 798, 781 P.2d 1344). We have noted, however, that in attorney discipline cases, moral turpitude should be defined with the aim of protecting the public, promoting confidence in the legal system, and maintaining high professional standards. (*In re Lesansky* (2001) 25 Cal.4th 11, 16, 104 Cal. Rptr. 2d 409, 17 P.3d 764.)

Lesansky was convicted of attempting to commit a lewd act on a child age 14 or 15. (*Lesansky, supra*, 25 Cal.4th at p. 13, 104 Cal. Rptr. 2d 409, 17 P.3d 764.) The court explained that “[c]riminal conduct not committed in the practice of law or against a client reveals moral turpitude if it shows a deficiency in any character trait a deficiency in any character trait necessary for the practice of law (such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties) or if it involves such a serious breach of a duty owed to another or to society, or such a flagrant disrespect for the law or for societal norms, that knowledge of the attorney’s conduct would be likely to undermine public confidence in and respect for the legal profession.” (*Id.* at p. 16., 104 Cal. Rptr.2d 409, 17 P.3d 764.) *In re Craig* (1938) 12 Cal.2d 93, 97, 82 P.2d 442, described moral turpitude as “an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contract to the accepted and customary rule of right and duty.” Moreover, we have noted that “[c]onviction of some crimes establishes moral turpitude on its face ... include[ing] particular crimes that are extremely repugnant to accepted moral standards such as ... serious sexual offenses.” (*In re Fahey* (1973) 8 Cal.3d 842, 849, 106 Cal. Rptr. 313, 505 P.2d. 1369, citations omitted, citing *In re Boyd* (1957) 48 Cal.2d 69, 307 P.2d 625; *In re Duggan* (1976) 17 Cal.3d 416, 423, 130 Cal. Rptr. 715, 551 P.2d 19.)

(*In re Grant* (2014) 58 Cal.4th 469, 475-476). Although driving under the influence of alcohol is not a crime that involves moral turpitude per se, the circumstances surrounding a misdemeanor DUI may involve moral turpitude. (*In re Kelley* (1990) 52 Cal.3d 487, 494.) Further, “repeated alcohol-related criminal conduct, which has spanned a period of 12 years or more, shows a wanton disregard for the safety of the public . . . Such conduct clearly involves moral turpitude.” (*In the Matter of Guillory* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 402, 408.)

The facts and circumstances of respondent’s 2018 DUI conviction involve moral turpitude. This was respondent’s third DUI conviction in the span of 12 years. Respondent showed disregard for the law by committing this DUI offense while he was on criminal probation from his previous DUI conviction in 2013. Conditions of that probation included, without limitation, suspension of his license, and the requirements that he not have any measurable amount of alcohol in his blood while

driving or violate any laws, all of which respondent violated when he was arrested for driving under the influence in 2016.

In this matter, respondent drove with a BAC of .31%, which was nearly four times the legal limit. He engaged in hazardous driving with complete disregard for public safety by hitting two parked cars in a populated parking garage, backing out of the driveway in reverse across two lanes of traffic, and almost causing a traffic collision. He engaged in hit-and-run driving by fleeing the scene after hitting the two parked cars. He lied to police officers about whether he had been drinking. In light of his three DUI convictions, and absent any proof of abstinence or participation in recovery programs, respondent clearly has an unaddressed substance addiction. Respondent's repeated alcohol-related criminal conduct shows a "wanton disregard for the safety of the public" and thus involves moral turpitude.

Respondent is entitled to mitigation for entering into this pretrial stipulation. While respondent's conduct in these conviction matters did not involve the practice of law, his multiple acts of misconduct and indifference towards rectification constitute aggravating circumstances. Moreover, respondent's misconduct involves moral turpitude and is serious because it demonstrates a disregard for the law and public safety. Respondent's conduct in repeatedly driving with high blood alcohol levels endangers the public, as evidenced by the multiple vehicular collisions that he caused in his 2016 drunk driving offense, and violates societal norms of morality. Therefore, this case does not warrant deviation from the presumptive range of discipline set forth in Standard 2.15(c)

In order to protect the public, the courts and the legal profession, to maintain the highest professional standards, and to preserve public confidence in the legal profession, and in consideration of the mitigating and aggravating circumstances, discipline consisting of six months' actual suspension, on the terms and conditions set forth herein, is appropriate.

Case law supports this level of discipline. In *In the Matter of Guillory* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 402, the attorney was suspended for three years, stayed, and placed on four years' probation with conditions, which included two years' actual suspension for his fourth misdemeanor conviction for drunk driving occurring over a 12-year period.

The court found the facts and circumstances surrounding the attorney's four DUI convictions involved moral turpitude. The factors the court considered in finding moral turpitude included: (1) the attorney's repeated attempts to leverage his position as a criminal prosecutor to avoid arrest; (2) his lies to the police officers about his alcohol consumption; (3) his disregard of the law by twice violating his probation, twice driving with a suspended license, and falsely asserting to an officer that he was permitted to drive without a license; (4) each arrest involving a high BAC; (5) disregard for public safety given his most recent arrest where he was found unconscious and incoherent behind the wheel; (6) his cousin's death resulting from his first DUI arrest; and (7) the attorney's firsthand experience with DUI offenders. *Id.* at 408.

In aggravation, the court found: (1) the attorney's four alcohol-related driving convictions constituted multiple acts of misconduct; (2) the attorney had not demonstrated a sustained period of abstinence; (3) the attorney minimized the harm caused by his drinking and driving; and (4) that the attorney showed a lack of insight into the inherent danger in drinking and driving. The court found no mitigation.

Similar to *Guillory*, respondent has multiple alcohol-related driving convictions constituting multiple acts of misconduct, lied to police officers about his alcohol consumption, violated his probation, and drove with a suspended license. In addition, each of respondent's arrests involved a high BAC, his conduct showed a disregard for public safety, and he has not demonstrated a sustained period of abstinence. In contrast, respondent did not attempt to use his position to evade arrest, has not minimized the harm caused by his drinking and driving, and no one died or was injured as a result of his drinking and driving. On balance, aggravation outweighs mitigation, and six months' actual suspension is appropriate, is consistent with case law, and accomplishes the purposes of attorney discipline.

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


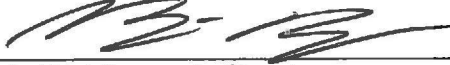
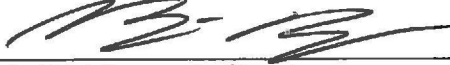
Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of October 11, 2018, the discipline costs in this matter are approximately \$5,789. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: JONATHAN WILLIAM WALLACE	Case Number(s): 17-C-07003
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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>10/11/18</u> Date	 Respondent's Signature	<u>Jonathan William Wallace</u> Print Name
<u>10/11/18</u> Date	 Respondent's Counsel Signature	<u>Brian B. Baghai</u> Print Name
<u>10/11/18</u> Date	 Deputy Trial Counsel's Signature	<u>Brian B. Baghai</u> Print Name

(Do not write above this line.)

In the Matter of: JONATHAN WILLIAM WALLACE	Case Number(s): 17-C-07003
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### ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, 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 DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page 9 of the Stipulation, an "X" is inserted in the box at paragraph E.(14).

On page 11 of the Stipulation, an "X" is inserted in the box at paragraph c. Also, on the first line of paragraph c., "SELECT ONE" is deleted, and in its place is inserted "Supreme Court." Finally, at the third paragraph of Substance Abuse Conditions paragraph c., first line, "one" is inserted after "up to".

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

November 8, 2018  
Date

Rebecca Meyer Rosenberg  
REBECCA MEYER ROSENBERG, JUDGE PRO TEM  
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 Court Specialist 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 8, 2018, 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:

JONATHAN W. WALLACE  
613 SEAVIEW LN  
COSTA MESA, CA 92626 - 3133

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

BRIAN B. BAGHAI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 8, 2018.



Paul Barona  
Court Specialist  
State Bar Court