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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b>		
Counsel For The State Bar  <b>Miho Murai</b> State Bar of California 1149 S. Hill Street Los Angeles, CA 90015-2299 213-765-1219  Bar # 235178	Case Number (s) <b>06-C-12263</b>	(for Court's use)  <div style="text-align: center; font-size: 24px; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 18px; font-weight: bold;">MAY 03 2007</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
Counsel For Respondent  <b>Michael E. Wine</b> 301 N. Lake Avenue, Ste 800 Pasadena, CA 91101 626-796-6688  Bar # 58657	<div style="font-size: 24px; font-weight: bold; margin-bottom: 10px;">PUBLIC MATTER</div> Submitted to: <b>Settlement Judge</b>	
In the Matter Of: <b>MATTHEW JAMES HUNTER</b>  Bar # 221631  A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**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 2, 2002**.
- (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 **17** 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".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



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- (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):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - costs to be paid in equal amounts prior to February 1 for the following membership years: **for the two (2) billing cycles following the effective date of the Supreme Court Order**  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (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)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **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.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. 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 deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **See Page 11**
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. **See Page 11**
- (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 in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

**See Page 11**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.

- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of **three (3) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **five (5) months**.

- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, 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 probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, 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 period of probation. 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 probation during the preceding calendar quarter. Respondent must also state 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 days, that report must be submitted on the next 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 period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor 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 probation 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 probation conditions.
- (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)  The following conditions are attached hereto and incorporated:

- Substance Abuse Conditions                       Law Office Management Conditions
- Medical Conditions                                       Financial Conditions

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** ~~Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.~~ <sup>MAW</sup> **SINCE RESPONDENT HAS ALREADY BEEN ORDERED AND COMPLIED WITH FORMER RULE 955, PURSUANT TO THE INTERIM SUSPENSION ORDER FILED 07/13/06, THE STATE BAR IS NOT REQUIRING RESPONDENT TO AGAIN COMPLY WITH THIS PROVISION.**

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- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: **August 14, 2006.**
- (5)  **Other Conditions: See Pages 12 - 16 for Substance Abuse Conditions and Medical Conditions**

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Attachment language begins here (if any):  
**SEE ATTACHED PAGES 8 THROUGH 16**

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

IN THE MATTER OF:        MATTHEW JAMES HUNTER

CASE NUMBER:            O6-C-12263

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING**

This is a proceeding pursuant to section 6101 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

On May 3, 2006, Respondent Matthew James Hunter ("Respondent") was convicted of violating Health and Safety Code section 11377(a), possession of a controlled substance, a felony, after pleading guilty to the count. He was placed on formal probation for three (3) years with probationary conditions, including attending and completing a substance abuse program pursuant to Penal Code section 1210.1 (Prop 36). A misdemeanor charge of being under the influence was dismissed.

On or about July 6, 2006, the State Bar received a letter from Respondent, self-reporting that he had pled guilty to Health and Safety Code section 11377(a) on May 3, 2006. He also informed the State Bar that he voluntarily began participating with the Lawyers Assistance Program ("LAP") and had completed a sixty (60) day residential treatment program at the Ranch Recovery Center in Desert Hot Springs, California.

On July 13, 2006, the Review Department of the State Bar Court ("Review Department") issued an order pursuant to Business and Professions Code section 6102 that, "respondent be suspended from the practice of law, effective August 14, 2006, pending final disposition of this proceeding." He was also ordered to comply with former rule 955 of the California Rules of Court.

On August 8, 2006, the Review Department issued an order referring the matter to the Hearing Department on the following issues:

whether the facts and circumstances surrounding the violation of Health and Safety Code section 11377, subdivision (a), a felony, of which respondent was convicted, involved moral turpitude or other misconduct warranting discipline, and if so found, the discipline to be imposed.

A Notice of Hearing on Conviction was filed by the State Bar Court on August 18, 2006. On or about August 27, 2006, Respondent filed an Answer, denying the allegations in part.

On September 28, 2006, an Initial Status Conference was held before Judge Richard A. Honn ("Judge Honn"). At the request of Respondent, the matter was referred to the Alternative Discipline Program for evaluation.

On November 9, 2006, at the request of Respondent and his counsel, Judge Platel ordered that the matter be returned to standard proceedings.

On December 29, 2006, under the terms of Proposition 36 (Penal Code section 1210.1), Respondent's criminal case, which is the basis of this disciplinary action, was dismissed and the felony conviction was set aside.

## **FACTS AND CONCLUSIONS OF LAW**

Matthew J. Hunter admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

### **FACTS**

1. Respondent was admitted to the practice of law in the State of California on December 2, 2002, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. On April 24, 2006, Respondent was arrested at the Extended Stay Hotel in Palm Springs, California, for violating Health and Safety Code section 11377(a), possession of a controlled substance (methamphetamine), a felony, and Health and Safety Code section 11550(a), being under the influence of a controlled substance (methamphetamine), a misdemeanor.
3. After injecting methamphetamine, Respondent began to act delusional and repeatedly dialed 911 from his hotel room, which led to the Palm Springs Police Department being dispatched to the hotel.
4. Respondent was taken to Desert Regional Medical Center for further examination after complaining of chest pains. At the hospital, Respondent admitted that he had "shot up 2 hours ago" and had relapsed after "being off meth for 6 months."
5. Prior to this arrest, Respondent was arrested on November 21, 2005 for being under the influence of methamphetamine. After pleading guilty to the charge, Respondent was placed on a diversion program pursuant to Penal Code 1000.
6. On May 3, 2006, Respondent pled guilty to the felony count of possession of a controlled substance (methamphetamine). Thereafter, Respondent was convicted of violating Health and Safety Code section 11377(a), possession of a controlled substance, a felony, and was placed on formal probation for three (3) years with probationary conditions, including attending and completing a substance abuse program pursuant to Penal Code section 1210.1 (Prop 36). The misdemeanor charge of being under the influence was dismissed.
7. On or around July 6, 2006, Respondent self-reported to the State Bar that he had pled guilty to Health and Safety Code section 11377(a), possession of a controlled substance, a felony, on May 3, 2006. He also informed the State Bar that he voluntarily began participating with the Lawyers Assistance Program ("LAP") and had completed a sixty (60) day residential treatment program at the Ranch Recovery Center in Desert Hot Springs, California.
8. Respondent recognizes and admits that he has a lengthy history of drug use, dating back to his college years with marijuana. His first exposure to crystal methamphetamine was in 1998, and

thereafter, his usage increased and detrimentally affected his work performance.

9. Respondent is now committed to sobriety and is actively participating in the Lawyers Assistance Program ("LAP"). He is currently attending one or two Alcoholics Anonymous ("AA") meetings daily, working actively with his sponsor, participating in individual therapy with a therapist approved by LAP, and currently taking his psychotropic medication as directed. He also regularly sees his psychiatrist for psychiatric medication management. Respondent has been clean and sober for approximately eleven (11) months.

## **CONCLUSIONS OF LAW**

Having pled guilty to violating Health and Safety Code section 11377(a), possession of a controlled substance, a felony, Respondent has been convicted of misconduct warranting discipline. Respondent acknowledges that by the conduct described above, he failed to support the laws of California in willful violation of Business and Professions Code § 6068(a).

## **PENDING PROCEEDINGS**

The disclosure date referred to on page one, paragraph A(7), was April 6, 2007.

## **AUTHORITIES SUPPORTING DISCIPLINE**

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct, the primary purposes of disciplinary proceedings and imposing sanctions for professional misconduct are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession."

Here, the requested discipline complies with Standard 1.3.

Standard 3.4 provides that:

Final conviction of a member of a crime which does not involve moral turpitude inherently or in the facts and circumstances surrounding the crime's commission but which does involve other misconduct warranting discipline shall result in a sanction as prescribed under part B of these standards appropriate to the nature and extent of the misconduct found to have been committed by the member.

By definition, every criminal conviction involves a violation of Business and Professions Code section 6068(a). Pursuant to Standard 2.6, the culpability of a member of a violation of Business and Professions Code section 6068 (including section 6068(a)) "shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3."

The Supreme Court gives the Standards "great weight," and will reject a recommendation consistent with the Standards only where the Court entertains "grave doubts" as to its propriety. *In re*

*Naney* (1990) 51 Cal. 3d 186, 190; see also *In re Silverton* (2005) 3 Cal. 4<sup>th</sup> 81, 91, 92. Further, although the Standards are not mandatory, it is well established that the Standards may be deviated from only when there is a compelling, well-defined reason to do so. See *Aronin v. State Bar* (1990) 52 Cal. 3d 276, 291; see also *Bates v. State Bar* (1990) 52 Cal. 3d 1056, 1060, fn. 2.

The State Bar recognizes that the Standards should not be applied in a talismanic fashion. *Gary v. State Bar* (1988) 44 Cal. 3d 820, 828. However, Respondent bears the burden to demonstrate that the State Bar should deviate from the Standards.

In the case at bar, the stipulated discipline is within the range of discipline prescribed by the Standards as set forth above. Case law also supports the recommended level of discipline. The case most analogous to the matter before us is *In the Matter of Kenneth Lawrence Carr* (Rev. Dept. 1992) 2 Cal. State Bar Ct. Rptr. 108. In *In re Carr*, the respondent was convicted of several vehicle code violations and, in another conviction matter, for being under the influence of drugs. The Supreme Court imposed a two (2) year stayed suspension, with a two (2) year period of probation with conditions, including a six (6) month period of actual suspension.

Like the respondent in *In re Carr*, Respondent's conviction involved an illegal controlled substance, in this case, methamphetamine. Respondent's situation, however, is less egregious than the attorney in *In re Carr* because Respondent does not have a prior record of discipline. Also, unlike *In re Carr*, this proceeding only involves a single drug conviction, though very serious and unlawful. Moreover, given the facts that Respondent's sobriety is still very new, the time periods between his two drug arrests are quite close, i.e. approximately five months apart, and his extensive drug abuse history, some period of actual suspension is necessary in this case.

#### MITIGATING CIRCUMSTANCES

Respondent has displayed spontaneous candor and cooperation with the State Bar throughout the disciplinary investigation and proceedings, and has expressed full awareness of his ethical duties and complete willingness to fulfill them.

Respondent has shown remorse and promptly took objective steps spontaneously demonstrating recognition of wrongdoing. Respondent pled guilty to the felony count of possession of a controlled substance. After he was sentenced and ordered to participate, he immediately entered and completed a sixty (60) day residential substance abuse treatment program. He voluntarily began participating with the Lawyers Assistance Program. He self-reported the felony conviction to the State Bar.

Respondent was not actively practicing law at the time of his arrest on April 24, 2006. Therefore, no clients were harmed by his misconduct.

Respondent, at the request of the State Bar, has agreed and completed an independent psychiatric evaluation by an expert certified by the American Society of Addiction Medicine.

Respondent has no prior record of discipline, although he has only been practicing law for a relatively short period.

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## **RECOMMENDED LEVEL OF DISCIPLINE**

The Office of the Chief Trial Counsel ("OCTC") and Respondent have stipulated that the appropriate level of discipline for this particular case is two (2) years stayed suspension, and three (3) years probation with conditions, including five (5) months of actual suspension and mental health/substance abuse conditions as described hereto.

In light of the facts that Respondent is actively participating in the Lawyers Assistance Program, has been clean and sober for approximately eleven (11) months, is currently attending one or two Alcoholics Anonymous ("AA") meetings daily, is working actively with his sponsor, is participating in individual therapy with a therapist approved by LAP, and is currently medication compliant and regularly sees his psychiatrist for psychiatric medication management, the OCTC believes that the stipulated discipline is appropriate, and that the public, the courts, and the legal profession would be adequately protected by the imposition of the stipulated discipline herein.

## **OTHER CONDITIONS NEGOTIATED BY THE PARTIES:**

### **A. SUBSTANCE ABUSE CONDITIONS**

Respondent has participated in a clinical evaluation by an expert agreed upon by the parties in this matter. These substance abuse conditions are based upon the recommendations of that expert, as well as the recommendations made by the Lawyers Assistance Program Evaluation Committee. The substance abuse conditions set forth below are conditions of Respondent's probation and are to be monitored by the Office of Probation.

#### **1. Daily Recovery Activity**

a. Commencing within twenty (20) days of the effective date of the disciplinary order resulting from this stipulation, if he has not done so already, Respondent shall commence participating and shall continue to participate in a daily recovery activity, including Alcoholic Anonymous meetings, with a treatment provider identified and approved by the Lawyers Assistance Program.

#### **2. Lawyers Assistance Program Group Meetings**

a. Commencing within twenty (20) days of the effective date of the disciplinary order resulting from this stipulation, if he has not done so already, Respondent shall commence participating and shall continue to participate in the LAP group meetings, a minimum of once per week.

b. Respondent shall provide the LAP Group Facilitator with (1) a copy of this Stipulation; (2) a copy of the expert's report upon which these conditions are based; and (3) a release waiving rights of privacy and privilege and authorizing the Office of Probation access to all of Respondent's medical and treatment records relating to his substance abuse. Revocation of the medical release/waiver constitutes a violation of this condition.

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### **3. Other Conditions as Identified in the LAP Participation Plan**

Respondent shall comply with all treatment recommendations as identified in the Lawyers Assistance Program Participation Plan, either as originally set forth or as may be modified thereafter.

Respondent shall provide all alcohol or drug recovery or treatment providers with (1) a copy of this Stipulation; (2) a copy of the expert's report upon which these conditions are based; and (3) a release waiving rights of privacy and privilege and authorizing the Office of Probation access to all of Respondent's medical and treatment records relating to his substance abuse. Revocation of the medical release/waiver constitutes a violation of this condition.

Respondent shall authorize and instruct the Lawyers Assistance Program to advise the Office of Probation within five (5) days of any non-compliance by Respondent with the conditions of his treatment.

### **4. Reporting Compliance to the Office of Probation**

a. With each written quarterly report or final report required as a condition of probation by the disciplinary order resulting from this stipulation, Respondent shall report, in writing and under penalty of perjury, his compliance with his substance abuse conditions, and shall provide to the Office of Probation satisfactory proof of his attendance at the above-described meetings and activities. Proof of compliance and attendance shall be as requested by the Office of Probation and may include submission of a writing which clearly sets forth each daily recovery activity and/or LAP group meeting attended, including date and time of the session, as well as a signature from the treatment provider verifying Respondent's attendance at that session.

b. In addition, each quarter and before the due date of his final report, Respondent shall request and obtain from LAP written proof of his compliance with LAP, and provide the original of the LAP compliance report to the Office of Probation with his written report. The written LAP compliance report shall be dated not sooner than ten (10) calendar days prior to the date Respondent submits his required written reports to the Office of Probation.

c. Within thirty (30) days of the effective date of the disciplinary order resulting from this stipulation, Respondent shall provide the Office of Probation with:

(1) The name, address, and telephone number of each treatment provider, as identified and approved by the Lawyers Assistance Program;

(2) Satisfactory proof to the Office of Probation that he has provided each treatment provider with (a) a copy of this Stipulation; (b) the expert's report; and (c) a written release and authorization for disclosure of medical/treatment records and information, including non-compliance with treatment conditions, to the Office of Probation; and

(3) A copy of each written release submitted to each treatment provider, waiving his rights of privacy and privilege and authorizing the Office of Probation access to all of his medical and treatment records relating to his substance abuse.

## **5. Responsibility for Costs**

All costs related to the above-described conditions shall be the responsibility of the Respondent.

## **6. Modification of Conditions**

Modifications of these substance abuse conditions shall be made pursuant to the Rules of Procedure of the State Bar of California, rules 550 et seq.

## **B. MEDICAL CONDITIONS**

Respondent has participated in a clinical evaluation by an expert agreed upon by the parties in this matter. These medical conditions are based upon the recommendations of that expert, as well as the recommendations made by the Lawyers Assistance Program Evaluation Committee. The medical conditions set forth below are conditions of Respondent's probation and are to be monitored by the Office of Probation.

### **1. Individual Psychotherapy Treatment**

a. Commencing within twenty (20) days of the effective date of the disciplinary order resulting from this stipulation, if he has not done so already, Respondent shall commence participating and shall continue to participate in individual psychotherapy treatment, with a duly licensed psychiatrist, psychologist, or clinical social worker ("therapist").

b. No later than his first therapy session, Respondent shall provide this therapist with (1) a copy of this Stipulation; (2) a copy of the expert's report upon which these conditions are based; and (3) a release waiving rights of privacy and privilege and authorizing the Office of Probation access to all of Respondent's medical and treatment records relating to his substance abuse. Revocation of the medical release/waiver constitutes a violation of this condition.

c. Respondent shall comply with all treatment recommendations made by his therapist, as made initially or as later recommended or modified, including without limitation, group therapy and/or medication regimen (prescribed by the therapist if qualified, or by a psychiatrist working in conjunction with his therapist).

d. Respondent shall authorize and instruct his therapist to prepare and submit to the Office of Probation a written report each calendar quarter describing his condition, including a prognosis, and his compliance with therapy and treatment recommendations.

e. Respondent shall further authorize and instruct his therapist to advise the Office of Probation within five (5) days of any non-compliance by Respondent with the conditions of his treatment.

### **2. Reporting Compliance to the Office of Probation**

a. With each written quarterly report or final report required as a condition of probation by the disciplinary order resulting from this stipulation, Respondent shall report, in writing and

under penalty of perjury, his compliance with his medical conditions, and shall provide to the Office of Probation satisfactory proof of his attendance at the above-described therapy sessions. Proof of compliance and attendance shall be as requested by the Office of Probation and may include submission of a writing which clearly sets forth each therapy session attended, including date and time of the session, as well as a signature from the therapist verifying Respondent's attendance at that session.

b. Within thirty (30) days of the effective date of the disciplinary order resulting from this stipulation, Respondent shall provide the Office of Probation with:

(1) The name, address, and telephone number of his therapist;

(2) Satisfactory proof to the Office of Probation that he has provided his therapist with (a) a copy of this Stipulation; (b) the expert's report; and (c) a written release and authorization for disclosure of medical/treatment records and information, including non-compliance with treatment conditions, to the Office of Probation; and

(3) A copy of the written release submitted to the therapist, waiving his rights of privacy and privilege and authorizing the Office of Probation access to all of his medical and treatment records.

### **3. Responsibility for Costs**

All costs related to the above-described conditions shall be the responsibility of the Respondent.

### **4. Modification of Conditions**

Modifications of these medical conditions shall be made pursuant to the Rules of Procedure of the State Bar of California, rules 550 et seq. If Respondent's treating therapist determines that there has been a substantial change in Respondent's condition, Respondent or the Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the therapist by affidavit or under penalty of perjury, in support of the proposed modification.

### **5. Termination of Conditions**

Notwithstanding the provisions of paragraph 4 above, if Respondent's treating therapist determines that there has been a substantial change in Respondent's condition such that treatment is no longer required or recommended, Respondent shall authorize and instruct his treating therapist to prepare and submit to the Office of Probation a written report describing the substantial change in Respondent's condition, setting forth the therapist's opinion that treatment is no longer required or recommended, and setting forth the basis for the therapist's opinion. Respondent shall also authorize and instruct his therapist to respond to any questions and/or requests for further explanation or clarification that the Office of Probation may have with respect to the therapist's report.

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Upon receipt by the Office of Probation of a satisfactory report from Respondent's therapist describing the substantial change in Respondent's condition, setting forth the therapist's opinion that treatment is no longer required or recommended for Respondent, and setting forth the basis for the therapist's opinion, Respondent shall be relieved of his obligation to comply with these medical conditions.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that, as of April 6, 2007, the costs in this matter are \$1,983.00. Costs to be paid in equal amounts prior to February 1 for the following two (2) billing cycles following the effective date of the Supreme Court Order. Respondent further acknowledges that should this stipulation be rejected or should relief from this stipulation be granted, the costs in this matter may increase due to the costs of further proceedings.

(Do not write above this line.)

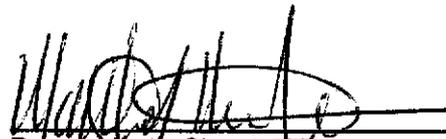
In the Matter of <b>MATTHEW J. HUNTER</b>	Case number(s): <b>06-C-12263</b>
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**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

4/25/07

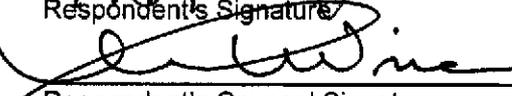
Date

  
Respondent's Signature

MATTHEW J. HUNTER  
Print Name

4/27/07

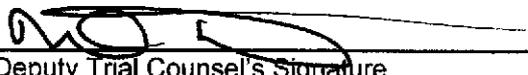
Date

  
Respondent's Counsel Signature

MICHAEL E. WINE  
Print Name

4/30/07

Date

  
Deputy Trial Counsel's Signature

MIHO MURAI  
Print Name

(Do not write above this line.)

In the Matter Of <b>MATTHEW J. HUNTER</b>	Case Number(s): <b>06-C-12263</b>
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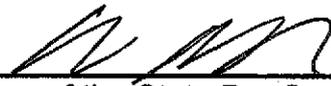
**ORDER**

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.

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 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

05-02-07  
Date

  
Judge of the State Bar Court

**RICHARD A. PLATEL**

**CERTIFICATE OF SERVICE**  
[Rule 62(b), Rules Proc.; 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 May 3, 2007, 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:

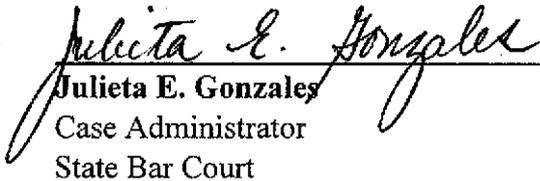
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL E WINE ESQ  
301 N LAKE AVE STE 800  
PASADENA, CA 91101 - 5113**

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

**Miho Murai, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 3, 2007.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court