



PUBLIC MATTER

FILED

AUG 31 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case Nos.: 11-C-11528-LMA; 11-C-12767-LMA;
)	13-C-13398-LMA; 13-C-13501-LMA;
)	13-C-13510-LMA; 14-C-00070-LMA
CHARLTON KIPP WORDELL,)	(Consolidated.)
Member No. 191544,)	
)	DECISION AND ORDER SEALING
)	CERTAIN DOCUMENTS
<u>A Member of the State Bar.</u>)	

I. Introduction

In this consolidated, conviction referral proceeding, respondent **Charlton Kipp Wordell**¹ was accepted for participation in the State Bar Court's Alternative Discipline Program (ADP). Because respondent successfully completed the ADP, the court recommends, *post*, that he be placed on two years' stayed suspension and three years' probation on conditions, including a 180-day suspension with credit to be given for the 180-day period during which he was involuntarily enrolled as an inactive member of the State Bar of California under Business and Professions Code section 6233.²

///

II. Pertinent Procedural History

¹ Respondent was admitted to the practice of law in this state on December 9, 1997, and has been a member of the State Bar of California since that time.

² Except where otherwise indicated, all further statutory references are to the Business and Professions Code.

Case Number 11-C-11528

On March 17, 2011, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed, in the State Bar Court case number 11-C-11528, a certified copy of the record of respondent's January 13, 2011, misdemeanor conviction for false imprisonment (Pen. Code, § 236). At the time of that filing, the conviction was final.

On April 6, 2011, the review department filed an order referring that conviction to the hearing department for a trial on the issues of whether the facts and circumstances surrounding respondent's false imprisonment of another involved moral turpitude (§§ 6101, 6102) or other misconduct warranting discipline (e.g., *In re Kelley* (1990) 52 Cal.3d 487, 494) and, if so, for a recommendation as to the discipline to be imposed. (Cal. Rules of Court, rule 9.10(a); Rules Proc. of State Bar, rule 5.161(A); *In the Matter of Ike* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 483, 491-492.)

Thereafter, on April 13, 2011, the hearing department filed and served on respondent a notice of hearing on that conviction. On June 7, 2011, respondent filed a response to the notice of hearing on conviction. Thereafter, except for one or two months, the matter was abated until September 17, 2012.

At a status conference on November 5, 2012, respondent was referred to the undersigned State Bar Court Judge for evaluation and to determine respondent's eligibility to participate in the ADP.

Case Number 11-C-12767

On July 9, 2012, the State Bar filed, in the State Bar Court case number 11-C-12767, a certified copy of the record of respondent's June 21, 2012, misdemeanor conviction for violating

///

a protective order (Pen. Code, § 273.6, subd. (a)). At the time of that filing, the conviction was not yet final.

On February 12, 2013, respondent filed a waiver of the conviction's finality. In light of that waiver, the review department filed an order on March 5, 2013, referring the conviction to the hearing department for a trial on the issues of whether the facts and circumstances surrounding respondent's commission of the crime involved moral turpitude or other misconduct warranting discipline and, if so, for a recommendation as to the discipline to be imposed.

Thereafter, on March 6, 2013, the hearing department filed and served on respondent a notice of hearing on that conviction. And, on March 11, 2013, case numbers 11-C-12767 and 11-C-11528 were consolidated for all purposes.

Case Number 13-C-13398

On October 21, 2013, the State Bar filed, in the State Bar Court case number 13-C-13398, a certified copy of the record of respondent's April 17, 2013, misdemeanor conviction for driving under the influence (Veh. Code, § 23152, subd. (a)). At the time of that filing, the conviction was final.

On December 5, 2013, the review department filed an order referring the conviction to the hearing department for a trial on the issues of whether the facts and circumstances surrounding respondent's commission of the crime involved moral turpitude or other misconduct warranting discipline and, if so, for a recommendation as to the discipline to be imposed.

Thereafter, on December 13, 2013, the hearing department filed and served on respondent a notice of hearing on that conviction.

Case Number 13-C-13501

On October 3, 2013, the State Bar filed, in the State Bar Court case number 13-C-13501, a certified copy of the record of respondent's November 26, 2002, misdemeanor

conviction for driving under the influence (Veh. Code, § 23152, subd. (a)). The State Bar failed to establish that the respondent's 2002 conviction was final. Thus, respondent filed a waiver of the conviction's finality on December 19, 2013. In light of that waiver, the review department filed an order on January 3, 2014, referring the conviction to the hearing department for a trial on the issues of whether the facts and circumstances surrounding respondent's commission of the crime involved moral turpitude or other misconduct warranting discipline and, if so, for a recommendation as to the discipline to be imposed.

Thereafter, on January 9, 2014, the hearing department filed and served on respondent a notice of hearing on that conviction.

Case Number 13-C-13510

On August 30, 2013, the State Bar filed, in the State Bar Court case number 13-C-13510, a certified copy of the record of respondent's July 28, 2008, misdemeanor conviction for reckless driving (Veh. Code, § 23103/23103.5). At the time of that filing, the conviction was final.

On September 26, 2013, the review department filed an order referring the conviction to the hearing department for a trial on the issues of whether the facts and circumstances surrounding respondent's commission of the crime involved moral turpitude or other misconduct warranting discipline and, if so, for a recommendation as to the discipline to be imposed.

Thereafter, on October 4, 2013, the hearing department filed and served on respondent a notice of hearing on that conviction. On October 16, 2013, case number 13-C-13510 was consolidated with case numbers 11-C-11528 and 11-C-12767 for all purposes.

Respondent's Acceptance into the ADP

As noted *ante*, at a November 5, 2012, status conference in case number 11-C-11528, respondent was referred to the undersigned State Bar Court Judge for evaluation of his eligibility for participation in the ADP. On November 14, 2012, respondent contacted the State Bar's

Lawyer Assistance Program (LAP) seeking assistance with his mental health and substance abuse issues. But, on December 6, 2012, respondent's participation in LAP was terminated.

Respondent again sought LAP's assistance on March 4, 2013. On that same day, respondent signed a LAP Evaluation Plan. Thereafter, respondent signed a second LAP Evaluation Plan on July 9, 2013.

On August 1, 2013, respondent submitted, to the State Bar Court, a Nexus Statement executed under penalty of perjury. Attached to the Nexus Statement are three psychological evaluations of respondent. The Nexus Statement and the three psychological evaluations establish a nexus between respondent's mental health and substance abuse issues and his criminal acts that are the subjects of this consolidated conviction referral proceeding.

On August 2, 2013, the parties submitted a Stipulation Regarding Facts and Conclusions of Law (2013 Stipulation). The 2013 Stipulation sets forth the stipulated factual findings, legal conclusions, and mitigating and aggravating circumstances for case numbers 11-C-11528, 11-C-12767, 13-C-13398, 13-C-13501, and 13-C-13510. On December 9, 2013, the court signed an order approving the 2013 Stipulation, and that order and the 2013 Stipulation were filed as a single document on December 9, 2013.

On December 9, 2013, the court also signed and lodged a Confidential Statement of Alternative Dispositions and Orders (Confidential Statement), which sets forth (1) the discipline that the court will recommend to the Supreme Court if respondent successfully completes the ADP (the low level of discipline) and (2) the discipline that the court will recommend if respondent fails to successfully complete the ADP (the high level of discipline). Respondent agreed to those alternative dispositions.

Also, on December 9, 2013, respondent executed and lodged a Contract and Waiver for Participation in the State Bar Court's ADP (Contract), and the undersigned State Bar Court

Judge accepted respondent for participation in the ADP beginning that same day. Thereafter, respondent participated in the LAP and the ADP.

On December 12, 2013, the court filed an order enrolling respondent as an inactive member of the State Bar of California under section 6233 beginning on February 3, 2014, and continuing for a minimum of 180 days and until further order of the court. (Rules Proc. of State Bar, rule 5.384(E).) Thereafter, the court terminated respondent's inactive enrollment under section 6233 after 180 days on August 2, 2014.

Case Number 14-C-00070

On January 14, 2014, the State Bar filed, in the State Bar Court case number 14-C-00070, a certified copy of the record of respondent's October 13, 2009, misdemeanor conviction for disturbing the peace (Pen. Code, § 415, subd. (2)). At the time of that filing, the conviction was final.

On February 7, 2014, the review department filed an order referring the conviction to the hearing department for a trial on the issues of whether the facts and circumstances surrounding respondent's commission of the crime involved moral turpitude or other misconduct warranting discipline and, if so, for a recommendation as to the discipline to be imposed.

Thereafter, on February 20, 2014, the hearing department filed and served on respondent a notice of hearing on that conviction.

On April 7, 2014, the parties submitted a Stipulation Regarding Facts and Conclusions of Law (2014 Stipulation). The 2014 Stipulation sets forth the stipulated factual findings, legal conclusions, and mitigating and aggravating circumstances for case number 14-C-00070. The court signed an order approving the 2014 Stipulation, and that order and the 2014 Stipulation were filed as a single document on April 22, 2014. Moreover, by two other orders that were also filed on April 22, 2014, the Confidential Statement and the Contract were both

modified to consolidate case number 14-C-00070 with case numbers 11-C-11528, 11-C-12767, 13-C-13398, 13-C-13501, and 13-C-13510 for all purposes. The consolidation of case number 14-C-00070 did not affect the low or high levels of discipline in the Confidential Statement.

Respondent's Successful Completion of the ADP

On May 5, 2015, the court received, from LAP, a Certificate of One Year of Participation in the Lawyer Assistance Program – Substance Use, certifying that, for at least the one-year period preceding February 27, 2015, respondent satisfied all of the lab testing requirements in his LAP Participation Agreement; that no unauthorized substances were detected, and that LAP is not aware of respondent's use of any unauthorized substances during the period.

On June 8, 2015, the court filed an order finding that respondent successfully completed the ADP and taking this consolidated proceeding under submission for decision. Because respondent successfully completed the ADP, the court will recommend that the low level of discipline be imposed and that respondent be given credit for the 180 days that he was enrolled inactive under section 6233.

III. Findings of Fact and Conclusions of Law

The 2013 Stipulation and the 2014 Stipulation and the court's orders approving them, are attached hereto and incorporated herein by reference. In those two stipulations, the parties stipulated to the following findings and conclusions.

Case Number 11-C-11528 (False Imprisonment)

Facts

In September 2010, respondent and Jane Doe, his girlfriend at the time, got into an argument while they were staying together at a hotel in Guerneville, California. The Sonoma County Sheriff was called to the hotel. As two sheriff's officers approached respondent and Doe's hotel room, they heard Doe ask to leave, and respondent tell her "no."

When the officers knocked on the door, Doe opened the door and let them in. Doe told the officers that respondent would not let her go. According to Doe, she and respondent had been at a friend's birthday party, where respondent had been drinking. Doe further stated that, when they got back to the hotel, they had an argument in the parking lot. She tried to leave/walk away, but respondent grabbed her purse, and a tug of war ensued. Respondent grabbed her and forced/dragged her into their hotel room. Once in their room, respondent grabbed Doe by the neck and held her down.

Respondent was charged with misdemeanor false imprisonment (Pen. Code, § 236) and misdemeanor battery on a person with whom he was in a dating/spousal relationship (Pen. Code, § 243, subd. (e)(1))

On January 13, 2011, respondent pleaded guilty to false imprisonment, and the battery charge was dismissed. Respondent was sentenced to 36 months' probation with conditions requiring him, inter alia, to participate in Domestic Violence Court, attend a 52-session batterer program and perform 20 hours of volunteer work. In addition, he was ordered not to possess any weapons or ammunition for a period of three years and not to use any controlled substance, alcoholic beverage, or marijuana. Respondent was subject to random chemical testing and warrantless searches. Moreover, a stay-away order was issued and served on respondent. On February 24, 2011, respondent violated the stay away order and thus his probation, by contacting Doe. On March 3, 2011, respondent was sentenced to 60 days in the county jail for violating the stay-away order.

In April 2011, respondent contacted Doe at her parent's home and her place of employment and went to a nail salon when Doe was there. For these violations, respondent was sentenced to nine months in the county jail. Respondent was released after serving only 102 days of his nine-month sentence.

Conclusions of Law

The facts and circumstances surrounding respondent's false imprisonment of Doe clearly involved moral turpitude.

Case Number 11-C-12767 (Violations of a Protective Order)

Facts

On February 21, 2011, Doe filed a police report on respondent because he called her on the telephone and asked her to write a letter to have the stay-away order modified. That same day, respondent went to Doe's parents' home and again asked Doe to write a letter to modify the stay-away order. Doe told respondent to leave and threatened to call the police. When Doe tried to close the front door, respondent blocked it by putting his foot in the door jam.

Respondent also contacted Doe in violation of the stay-away order on January 26, 27, and 30, 2011, and on February 2, 3, and 16, 2011.

In late February 2011, respondent was charged with: (1) felony stalking (Pen. Code, § 646.9, subd. (a)); (2) felony dissuading a witness from reporting a crime (Pen. Code, § 136.1, subd. (b)(1)); (3) felony dissuading a witness from prosecuting a crime (Pen. Code, § 136.1, subd. (b)(2)); and (4) misdemeanor violations of a protective order (Pen. Code, § 273.6, subd. (a)).

Respondent pleaded nolo contendere and was convicted of violating a protective order under count four. Counts one, two, and three were dismissed. On August 2, 2012, respondent was sentenced to 45 days in the county jail and placed on probation for three years. In addition, respondent was ordered to pay a fine, attend a batterers' treatment program, and perform 30 hours of community service.

///

///

Conclusions of Law

The facts and circumstances surrounding respondent's violations of the stay-away order clearly involved moral turpitude.

Case Number 13-C-13398 (Second Driving Under the Influence)

Facts

On January 16, 2013, respondent was arrested for driving under the influence of alcohol. Respondent's blood-alcohol concentration was .16 percent (twice the legal limit). On April 17, 2013, respondent pleaded guilty and was convicted for driving under the influence of alcohol (Veh. Code, § 23152, subd. (a)). He was sentenced to 30 days in the county jail and three years probation. In addition, he was fined and required to take a driving program.

Conclusions of Law

The parties stipulated that the facts and circumstances surrounding respondent's driving under the influence of alcohol involved other misconduct warranting discipline.

Case Number 13-C-13501 (First Driving Under the Influence)

Facts

On October 29, 2002, the police responded to a complaint that respondent was causing a disturbance at a bar. Respondent told the police officer that he was "too drunk to drive" and that he was waiting for a friend to pick him up. The officer told respondent that he could wait at a local restaurant, but that he should not drive. A short while later, the officer saw respondent get in his car and drive off. The officer stopped respondent and arrested him.

On November 26, 2002, respondent pleaded nolo contendere to and was convicted of driving under the influence of alcohol (Veh. Code, § 23152, subd. (a)). Respondent was fined, sentenced to three years' conditional probation, and had his driver's license suspended for 90

days. He was required to attend a DUI Panel and complete a three-month first offender program for drunk drivers.

Conclusions of Law

The parties stipulated that the facts and circumstances surrounding respondent's driving under the influence of alcohol involved other misconduct warranting discipline.

Case Number 13-C-13510 (Reckless Driving)

Facts

On April 26, 2008, respondent was driving while intoxicated and crashed his car into a tree near his home. Respondent walked home and called a tow truck company to have his car removed and towed. When he was returning to his car, respondent saw a police car approaching and tried to hide in the bushes. Shortly thereafter, he was arrested and charged with driving under the influence of alcohol. Those charges were later dismissed, and respondent pleaded nolo contendere to and was convicted of misdemeanor reckless driving (Veh. Code, §§ 23103, 23103.5). Respondent was sentenced to two years' conditional probation and required to complete a 12-hour education program and fined.

Conclusions of Law

The parties stipulated that the facts and circumstances surrounding respondent's reckless-driving involved other misconduct warranting discipline.

Case Number 14-C-00070 (Disturbing the Peace)

Facts

On August 3, 2009, respondent was involved in a verbal altercation with his then wife. At that time, the couple had separated and divorce proceedings were underway. The altercation occurred when respondent went to his then wife's residence to pick up a set of keys. Respondent

called the police for assistance. When a police officer arrived, the officer saw that respondent was drunk and arrested respondent.

On October 12, 2009, respondent pleaded nolo contendere and was convicted of misdemeanor disturbing the peace. Sentencing was suspended and respondent was placed on two years' court probation and required to perform 20 hours of community service.

Conclusion of Law

The parties stipulated that the facts and circumstances surrounding respondent's disturbing the peace involved other misconduct warranting discipline.

Aggravation and Mitigation

In aggravation, respondent committed multiple acts of misconduct. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.5(b).)³ In further aggravation, respondent's multiple violations of the stay-away order and OF the Vehicle Code demonstrate indifference toward rectification. (Std. 1.5(k).)

Even though the present misconduct is serious, respondent is entitled to significant mitigation for his lack of a prior record of discipline. (Std. 1.6(a); *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn. 13 [noting that the Supreme Court has repeatedly given mitigation for lack of a prior record of discipline in cases involving serious misconduct and citing *Rodgers v. State Bar* (1989) 48 Cal.3d 300, 317 and *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029].)

In further mitigation, in July 2010, respondent suffered a brain injury, which adversely affected his impulse control. The injury was not the product of any illegal conduct, and respondent has been in treatment and made significant improvement. What is more, respondent

³ All further references to standards (or stds.) are to this source.

successfully completed the ADP. Respondent's completion of the ADP, standing alone, is very significant mitigation. (Std. 1.6(d); see also § 6233.)

Respondent is also entitled to significant mitigation for his good character, which has been attested to by a wide range of distinguished individuals. (Std. 1.6(f).)

IV. Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but rather to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve confidence in the legal profession. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate alternative discipline recommendations if respondent successfully completed the ADP and if he did not successfully complete the ADP, the court considered the parties' briefs on discipline as well as certain standards and case law. In particular, the court considered Former Standards 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 3.1, 3.2, and 3.4 and *In re Kelley* (1990) 52 Cal.3d 487; *In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208; *In re Carr* (1988) 46 Cal.3d 1089; *In the Matter of Loftus* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 80; *In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160; *In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138; *In re Otto* (1989) 48 Cal.3d 970; and *In re Hickey* (1990) 50 Cal.3d 571.

As noted *ante*, because respondent successfully completed the ADP, this court will recommend that the low level of discipline be imposed and that credit be given for the 180 days that respondent was enrolled inactive under section 6233.

Even though the Confidential Statement provides that respondent should be required to give notice of his 180-day suspension in accordance with California Rules of Court, rule 9.20, this court does not recommend that respondent be required to comply with rule 9.20. If the

Supreme Court adopts this court's recommendation and gives respondent credit for his 180-day period of involuntary inactive enrollment under section 6233 towards this court's recommended 180-day suspension, respondent will not be suspended, and rule 9.20 will no longer be applicable in this proceeding.

V. Recommendations

Discipline

This court recommends that respondent **CHARLTON KIPP WORDELL**, State Bar number 191544, be suspended from the practice of law in California for two years, that execution of the two-year suspension be stayed, and that respondent be placed on probation for three years subject to the following conditions:

1. Respondent is actually suspended from the practice of law in the State of California for the first 180 days of probation (with credit given for the period of his inactive enrollment from February 3, 2014, through August 2, 2014 (Bus. & Prof. Code, § 6233)).
2. Respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California.
3. Within 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 30 days after the effective date of the Supreme Court order in this matter, 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. Thereafter, 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. Under penalty of perjury, respondent must state in each report 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 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 20 days before the last day of the period of probation and no later than the last day of the probation period.

6. 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.
7. Within one year after the effective date of the Supreme Court order in this matter, respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar's Ethics School and passage of the test given at the end of that session. If respondent has already provided proof to the court of attendance at and passage of the test given at the end of Ethics School during his period of participation in the Alternative Discipline Program, respondent need not again comply with this condition. Otherwise, respondent must comply with this condition.
8. Respondent must comply with all conditions of probation imposed in each of the underlying criminal matters and must so declare under penalty of perjury in conjunction with any quarterly report to be submitted to the Office of Probation.
9. Respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the Lawyer Assistance Program ("LAP") and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP.
10. The three-year probation will begin on the effective date of the Supreme Court order in this matter. (See Cal. Rules of Court, rule 9.18.) And, at the expiration of the period of probation, if respondent has complied with all the terms of probation, the order of the Supreme Court suspending him from the practice of law for two years will be satisfied and that suspension will be terminated.

Professional Responsibility Examination

The Court further recommends that **CHARLTON KIPP WORDELL** be ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of the Supreme Court order in this matter and to provide satisfactory proof of his

passage to the State Bar's Office of Probation in Los Angeles within the same time period.

Failure to pass the examination within the specified time results in actual suspension until passage, without further hearing. (*Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8; see also Cal. Rules of Court, rule 9.10(b); Rules Proc. of State Bar, rules 5.161, 5.162.)

Costs

Finally, the court recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that those costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. It is further recommended that costs be paid with respondent's membership fees for the year 2017. If respondent fails to pay costs as described above, or as may be modified by the State Bar Court, costs are due and payable immediately.

VI. Order Sealing Certain Documents

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, in accordance with rule 5.388(C) of the Rules of Procedure of the State Bar of California, all other documents not previously filed in this matter are ordered sealed under rule 5.12 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and their counsel; (2) personnel of the Supreme Court, the State Bar Court, and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized

///

///

individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: August 31, 2015.



LUCY ARMENDARIZ
Judge of the State Bar Court

(Do not write above this line.)

**State Bar Court of California
Hearing Department
San Francisco
ALTERNATIVE DISCIPLINE PROGRAM**

<p>Counsel For The State Bar</p> <p>Suzan J. Anderson Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2209</p> <p>Bar # 160559</p>	<p>Case Number (s) 14-C-00070-LMA [consolidated with 11-C-11528-LMA]</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 1.2em;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 1.5em;">FILED</p> <p style="text-align: center; font-size: 1.2em;">APR 22 2014</p> <p style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Douglas Rappaport Law Offices of Douglas Rappaport 260 California Street, Suite 1002 San Francisco, CA 94111 (415) 989-7900</p> <p>Bar # 136194</p>	<p>Submitted to: Assigned Judge</p> <p style="text-align: center;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: CHARLTON KIPP WORDELL</p> <p>Bar # 191544</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 9, 1997**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **6** pages, excluding 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."

(Do not write above this line.)

- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [see Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 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) **Dishonesty:** Respondent's misconduct was intentional, 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. **Incorporated by reference from the stipulation in case number 11-C-11528-LMA**
- (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. **Incorporated by reference from the stipulation in case number 11-C-11528-LMA**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (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.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. **Incorporated by reference from the stipulation in case number 11-C-11528-LMA**
- (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:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CHARLTON KIPP WORDELL

CASE NUMBER: 14-C-00070

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which he was convicted involved other misconduct warranting discipline.

Case No. 14-O-00070 (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 August 3, 2009, Respondent was arrested on suspicion of committing the misdemeanor offenses of public intoxication (Penal Code section 647(f)) and disturbing the peace (Penal Code section 415).
3. On October 12, 2009, in *People v. Wordell*, Nevada County Case No. M09-1201, Respondent pled no contest to a misdemeanor violation of Penal Code section 415. The section 647(f) charge was dismissed. Imposition of sentence was suspended and Respondent was placed on two years' court probation with one day credit for time served, ordered to complete 20 hours of community service and pay fines and fees.
4. On February 7, 2014, 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 facts and circumstances surrounding the offense for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

5. On August 3, 2009, Respondent was involved in a verbal altercation with his now ex-wife that resulted in his arrest. The incident occurred when Respondent arrived at his ex-wife's residence to pick up a set of keys. The couple had separated and divorce proceedings were underway at the time. Their conversation deteriorated into an argument and Respondent called the police for assistance. Upon arrival, the police officer observed that Respondent showed objective signs of impairment from alcohol consumption and was loudly arguing with his ex-wife. Based on these factors, the officer arrested Respondent.

CONCLUSIONS OF LAW:

6. The facts and circumstances surrounding the above-described violation(s) did not involve moral turpitude but did involve other misconduct warranting discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

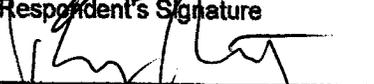
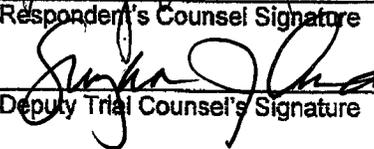
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 17, 2014, the estimated prosecution costs in this matter are \$2,392. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: CHARLTON KIPP WORDELL	Case number(s): 14-C-00070-LMA
--	-----------------------------------

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>3/25/2014</u> Date	 Respondent's Signature	<u>Charlton Kipp Wordell</u> Print Name
<u>4/2/14</u> Date	 Respondent's Counsel Signature	<u>Douglas Rappaport</u> Print Name
<u>4/7/14</u> Date	 Deputy Trial Counsel's Signature	<u>Suzan J. Anderson</u> Print Name

(Do not write above this line.)

In the Matter of:
CHARLTON KIPP WORDELL

Case Number(s):
14-C-00070-LMA

ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Date

April 21, 2014



Judge of the State Bar Court

LUCY ARMENDARIZ

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER: 14-C-00070; 11-C-11528

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

in a sealed envelope placed for collection and mailing at San Francisco, on the date shown below, addressed to:

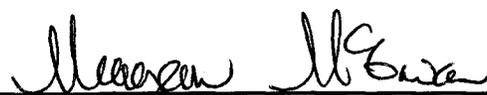
**Douglas L. Rappaport
Law Office of Douglas L Rappaport
260 California St #1002
San Francisco, CA 94111**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: April 7, 2014

Signed: 
Meagan McGowan
Declarant

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on April 22, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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 San Francisco, California, addressed as follows:

DOUGLAS L. RAPPAPORT
LAW OFC DOUGLAS L RAPPAPORT
260 CALIFORNIA ST #1002
SAN FRANCISCO, CA 94111

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

SUZAN J. ANDERSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 22, 2014.



Bernadette C.O. Molina
Case Administrator
State Bar Court

(Do not write above this line.)

State Bar Court of California Hearing Department San Francisco ALTERNATIVE DISCIPLINE PROGRAM		
Counsel For The State Bar Suzan J. Anderson Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2209 Bar # 160559	Case Number(s): 11-C-11528-LMA 11-C-12767 13-C-13398 13-C-13510 13-C-13501	For Court use only PUBLIC MATTER FILED DEC - 9 2013 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Douglas Rappaport Law Offices of Douglas Rappaport 260 California Street, Suite 1002 San Francisco, CA 94111 (415) 989-7900 Bar # 136194	Submitted to: Assigned Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW	
In the Matter of: CHARLTON KIPP WORDELL Bar # 191544 A Member of the State Bar of California (Respondent)	ALTERNATIVE DISCIPLINE PROGRAM <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 9, 1997.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 5.386(D)(2) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.

(Do not write above this line.)

- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 9 pages, excluding 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) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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. See Attachment to Stipulation at page 10.
- (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. See Attachment to Stipulation at page 10.

(Do not write above this line.)

(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.
- (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.
- (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. See Attachment to Stipulation at page 10.
- (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 Attachment to Stipulation at page 10.

Anderson from Washington State) opened the door to see what was going on and Respondent responded that they were just playing around. His girlfriend, responded that they were not playing around.

7. Respondent and his girlfriend entered their room and the argument continued. The Sonoma County Sheriff was called out to the scene. As Sheriff's Officers Turney and Russel approached the room they could hear a conversation going on in the room in a normal tone of voice. They heard the female ask to leave the room and the male responded "no." The officers knocked on the door and received no response. The Officers knocked on the door again and this time the female opened the door. The Officers entered the room and detained Respondent while they tried to sort out what was going on.

8. Respondent's girlfriend informed the officers that Respondent would not let her go. She explained that they had been at friends' birthday party and that Respondent had been drinking. She further explained that when they arrived back to the hotel, they were having an argument and she decided to leave. Jane Doe stated that she was in the parking lot walking away from Respondent, and he was asking her to stay. At that point he grabbed her purse and a tug of war ensued and the purse strap broke. After the tug of war, she explained that Respondent grabbed her and forced back to the room, as he was dragging her to the room her sandals fell off in the parking lot. She told the officers that once they were in the room Respondent grabbed by her neck and held her down.

9. On February 24, 2011, Respondent violated the stay away order by contacting Jane Doe, which was a violation of his probation. On March 3, 2011, Respondent was sentenced to 60 days in county jail for the violation of the stay away order.

10. In April 2011, Respondent contacted Jane Doe at her parent's home; appeared at a nail salon when Jane Doe was present; and contacted her at her place of employment. On May 25, 2011, the Court held a hearing for the purpose of determining whether Respondent violated the stay away order. On June 1, 2011, Respondent was sentenced to nine months in county jail for a violation of the stay away order. Respondent was given CTS (credit time served) for 102 days, and released from custody on September 2, 2011.

CONCLUSIONS OF LAW:

11. The facts and circumstances surrounding the above-described violation(s) involved moral turpitude.

Case No. 11-C-12767 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

12. 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.

13. In *People v. Wordell*, Nevada County Superior Court Case Number F11-060, on February 23, 2011, Respondent was charged in a four count criminal complaint. Counts one through three were

felonies: stalking - Penal Code Section 646.9(a); dissuading a witness from reporting a crime - Penal Code Section 136.1(b)(1); and an additional dissuading a witness from prosecuting a crime - Penal Code section 136.1(b)(2). Count Four was a misdemeanor, disobeying a domestic relations order - Penal Code Section 273.6(a).

14. On May 24, 2012, count one was dismissed. On June 21, 2012, counts two and three were dismissed. Respondent pled *nolo contendere* to count four which was a violation of Penal Code Section 273.6(a).

15. On August 2, 2012, Respondent was sentenced to 45 days in county jail serviceable by the sheriff's electronic monitoring program; 3 years probation; a fine and the batterers program, with 30 hours of community service.

16. On February 7, 2013, Respondent filed a waiver of finality with the Review Department in this matter.

17. On March 5, 2013 the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department or 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.

FACTS:

18. On February 21, 2011, Jane Doe reported to the police that Respondent had been contacting her via telephone asking her to write a letter to the Nevada County to modify the Sonoma County stay away order. On February 21, 2011, Respondent appeared at her parents' residence, when he realized she was there he requested that she write a letter requesting modification of the stay away order. Respondent entered the home. Jane Doe told him she was going to call the police. Jane Doe told Respondent that he had to leave the residence and got him to the front door, when she tried to close the door he blocked it by putting his foot in the door jam. By the aforementioned misconduct Respondent violated the stay away order.

19. Respondent also violated the stay away order on January 26, 27, 30, and February 2, 3, and 16, 2011, by making contact with Jane Doe.

CONCLUSIONS OF LAW:

20. The facts and circumstances surrounding the above-described violation(s) involved moral turpitude.

Case No. 13-C-13398 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

21. 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.

22. In *People v. Wordell*, Marin County Superior Court Case Number CR-153594A, on February 8, 2013, Respondent was charged in a two count complaint with violations of California Vehicle Code sections 23152(a) (Driving under the influence of an alcoholic beverage) and 23152(b) (Driving with a blood alcohol concentration at or above .08%). It was further alleged that Respondent had a blood alcohol level of .16% within the meaning of Vehicle Code section 23578, and that he had committed a violation of Vehicle Code sections 23103 and 23103.5 (wet reckless) within 10 years of the present offense.

23. On April 17, 2013, Respondent pled guilty to a violation of Vehicle Code section 23152(a). Respondent was sentenced as follows: three years' probation, 30 days in jail, (96 hours in the county jail, and the remainder eligible for electronic monitoring), a drinking and driving program and fines and costs.

FACTS:

24. On January 16, 2013, a California Highway Patrol officer observed Respondent driving in a manner that was consistent with being under the influence of alcohol. A traffic stop was initiated. The officer conducted a DUI field investigation. Respondent's roadside breath test registered at .107% blood alcohol concentration. Respondent was arrested and his blood sample later indicated a .16% blood alcohol concentration.

CONCLUSIONS OF LAW:

25. The facts and circumstances surrounding the above-described violation(s) do not involve moral turpitude, but do involve other misconduct warranting discipline.

Case No. 13-C-13510 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

26. 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.

27. In *People v. Wordell*, Nevada County Superior Court Case Number M-03-0787, on July 28, 2008, Respondent was charged in a two count complaint with violations of California Vehicle Code sections 23152(a) (Driving under the influence of an alcoholic beverage) and 23152(b) (Driving with a blood alcohol concentration at or above .08%).

28. Thereafter, Respondent pled *nolo contendere* to a violation of Vehicle Code sections 23103 and 23103.5. The original charges were dismissed. Respondent was sentenced as follows: two years' of conditional probation, a twelve-hour education program and fines and fees.

FACTS:

29. On April 26, 2008, Respondent collided with a tree en route to his house. Respondent then walked home and called a tow truck company to remove his car. When returning to his car, Respondent observed a police vehicle approaching and hid in the bushes because of his intoxication. The police officer approached Respondent and waited until the California Highway Patrol arrived. The California Highway Patrol officer conducted a field sobriety test and, based upon Respondent's objective signs of intoxication, Respondent was arrested for driving under the influence.

CONCLUSIONS OF LAW

30. The facts and circumstances surrounding the above-described violation(s) do not involve moral turpitude, but do involve other misconduct warranting discipline.

Case No. 13-C-13501 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

31. 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.

32. On October 29, 2002, Respondent was arrested for suspicion of driving under the influence in violation of California Vehicle Code sections 23152(a) (Driving under the influence of an alcoholic beverage) and 23152(b) (Driving with a blood alcohol concentration at or above .08%).

33. In *People v. Wordell*, Placer County Superior Court Case Number GZ-032018, on November 26, 2002, Respondent pled *nolo contendere* to a violation of Vehicle Code section 23152(a). The additional charge was dismissed. Respondent was sentenced as follows: three years' conditional probation, suspension of driving privileges for 90 days, attendance at a DUI Panel within sixty days, complete a three month first offender program and fines and fees.

FACTS:

34. On October 29, 2002, the Rocklin Police Department responded to a call that Respondent was causing a disturbance at a bar. Respondent told the police officer that he was "too drunk to drive" and was waiting for a friend to pick him up. The police officer advised Respondent that he could wait at a local restaurant but that he should not drive.

35. The police officer watched Respondent walk over to the restaurant and after ten minutes, witnessed Respondent walking in the direction of his parked vehicle. The police officer stopped Respondent, and advised him not to drive his vehicle. Respondent walked to his vehicle and drove it out of the parking lot. The police officer followed Respondent and after observing Respondent's driving, conducted a traffic stop. Respondent failed the sobriety test and was taken into custody.

CONCLUSIONS OF LAW

36. The facts and circumstances surrounding the above-described violation(s) do not involve moral turpitude, but do involve other misconduct warranting discipline.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Indifference: Respondent's conduct evidences numerous violations the court's stay away order and the California Vehicle Code. It demonstrates an indifference toward rectification, despite having served time in county jail for at least two of the stay away violations. (Standard 1.2(b)(v).)

Multiple Acts: Respondent's five separate convictions and eight violations of the Sonoma County's stay-away Order constitute multiple acts and numerous violations of the court's stay away order. (Standard 1.2 (b)(ii).)

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent has no prior record of discipline, however the misconduct in these two matters is serious. Respondent is entitled to limited mitigation. (See *In the Matter of Riordan* (Review Dept 2007) 5 Cal State Bar Ct. Rptr. 41, 49.)

Emotional/Physical Difficulties: Respondent suffered a brain injury in July 2010 that affected his impulse control issues inclusive of obsessive and compulsive behaviors and thoughts. The brain injury was not the product of illegal conduct. Respondent has been in treatment for the last year with a psychologist and is showing signs of improvement with his impulse control issues. Respondent's nexus statement and accompanying medical reports filed under seal set forth in greater detail how his brain injury affected Respondent's impulse control issue which include obsessive and compulsive behaviors.

Good Character: Respondent's good character has been attested to by a wide range of distinguished members of the legal and general communities who are fully aware of Respondent's misconduct. Respondent has provided references from five attorneys, a former paralegal, a representative from a law enforcement training firm, four former clients and a law school friend. (Standard 1.2(e)(vi).)

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was August 1, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 1, 2013, the estimated prosecution costs in this matter are \$5,881.00. 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: CHARLTON KIPP WORDELL, Bar No. 191544	Case number(s): 11-C-11528-LMA [11-C-12767; 13-C-13398; 13-C-13510; 13-C-13501]
---	---

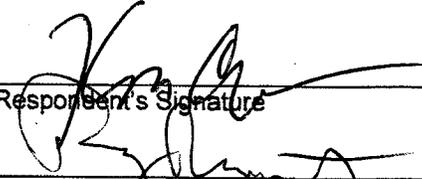
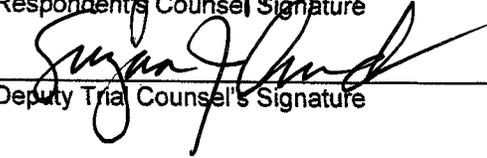
SIGNATURE OF THE PARTIES

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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

<u>8/2/13</u> Date	 Respondent's Signature	<u>Charlton Kipp Wordell</u> Print Name
<u>8/2/13</u> Date	 Respondent's Counsel Signature	<u>Douglas Rappaport</u> Print Name
<u>8/2/13</u> Date	 Deputy Trial Counsel's Signature	<u>Suzan J. Anderson</u> Print Name

(Do not write above this line.)

In the Matter of: CHARLTON KIPP WORDELL, Bar No. 191544	Case Number(s): 11-C-11528-LMA [11-C-12767; 13-C-13398; 13-C-13510; 13-C-13501]
--	---

ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Dec. 9, 2013
Date

Lucy Armendariz
Judge of the State Bar Court
Lucy Armendariz

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER: 11-C-11528, et al -PEM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

in a sealed envelope placed for collection and mailing at San Francisco, on the date shown below, addressed to:

**Douglas L. Rappaport
Law Office of Douglas L Rappoport
260 California St #1002
San Francisco, CA 94111**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: August 2, 2013

Signed: 
Meagan McGowan
Declarant

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on December 9, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

By personally delivering a copy of said document(s) to:

SUZAN J. ANDERSON
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

DOUGLAS L. RAPPAPORT
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 9, 2013.



Mazie Yip
Case Administrator
State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on August 31, 2015, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS

STIPULATION RE FACTS AND CONCLUSIONS OF LAW filed APRIL 22, 2014

STIPULATION RE FACTS AND CONCLUSIONS OF LAW filed DECEMBER 9, 2013

in a sealed envelope for collection and mailing on that date as follows:

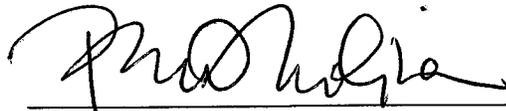
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

DOUGLAS L. RAPPAPORT
LAW OFC DOUGLAS L RAPPAPORT
260 CALIFORNIA ST #1002
SAN FRANCISCO, CA 94111

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

ROBERT A. HENDERSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 31, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court