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State Bar Court of California Hearing Department San Francisco REPROVAL		
Counsel For The State Bar Robert A. Henderson 180 Howard St. San Francisco, CA 94105 (415) 538-2385 Bar # 173205	Case Number(s): 10-C-08182	For Court use only PUBLIC MATTER FILED <i>Ran</i> AUG 15 2011 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Dominic R. Valerian Gallo & Associates 1101 5th Ave., Suite 205 San Rafael, CA 94901 (415) 397-1205 Bar # 240001	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: Dominic R. Valerian Bar # 240001 A Member of the State Bar of California (Respondent)	PUBLIC REPROVAL <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 5, 2005.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 12 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
 - Case ineligible for costs (private reproof).
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [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

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- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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:

Respondent's actions contributed to the injuries sustained by the arresting officer. See attachment.

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. Respondent accepted a plea in the underlying criminal matter.
- (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. Respondent has been attending AA meetings and Other Bar meetings. See attachment.
- (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.

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- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 1 letters from: John Van de Kamp, Dean Hansell, Matthew Weiler, Michael Bercovich, Ray Gallo, Aaron Cohn, Richard Valerian, Monica Valerian, Michael Bolechowski, Francesca Valerian, Jennifer Smith, Daniel Golden, MD, Christina Kim, and Xinying Chi.
- (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:

Respondent has been seeking assistance from a psychotherapist in an effort to better understand his actions of April 17, 2010.

D. Discipline:

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

or

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

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproval for a period of one-year.
- (2) During the condition period attached to the reproval, 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

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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 condition period attached to the reprobation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reprobation during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reprobation.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.

No MPRE recommended. Reason:

- (11) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

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In the Matter of: Dominic R. Valerian	Case Number(s): 10-C-08182
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Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedures of the State Bar. The applicable provisions are set forth below:

Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the member culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based.

Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) Contents. A proposed stipulation to facts, conclusions of law, and disposition must comprise:

[¶] . . . [¶]

(5) a statement that the member either:

- (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (b) pleads nolo contendere to those facts and misconduct;

[¶] . . . [¶]

(B) Plea of Nolo Contendere. If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

8/10/11
Date

Dominic Valerian
Respondent's Signature

Dominic R. Valerian
Print Name

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Dominic R. Valerian

CASE NUMBER(S): 10-C-08182

FACTS AND CONCLUSIONS OF LAW.

Respondent pleads nolo contendere to the following facts and violations. Respondent completely understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his culpability of the statutes and/or Rules of Professional Conduct specified herein.

Case No. 10-C-08182 (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 January 28, 2011, respondent pled no contest to a violation of section 148 of the Penal Code, [resisting arrest], a misdemeanor. (Yolo County case no. 10-1974)
3. On April 5, 2011, 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 facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

FACTS:

4. On April 17, 2010, respondent, his brother and friends were attending an annual celebration at U.C. Davis called Picnic Day. Respondent and his brother drank alcoholic beverages during the day and became intoxicated.
5. At approximately 6:00 p.m. respondent and his brother were engaged in a wrestling match at the intersection of University Avenue and Russell Boulevard in Davis.
6. At approximately 6:00 p.m. an on-duty officer with the Davis Police Department observed respondent and his brother engaged in a wrestling match. The officer responded to the scene.
7. The following is from the responding officer's report of the incident:

"At that time, I was responding to a fight call at the University Mall, 800 block of Russell Blvd. While responding, I had to slow for traffic stopped at A St. As I stopped, I looked to my left (south) and saw a large group gathered on the sidewalk and two male subjects on the ground fighting. I observed a male subject, later identified as Dominic Valerian,

who was wearing a blue shirt, on top of another male who was wearing a light colored shirt. The male who was wearing the light colored shirt was positioned face down on the sidewalk and Dominic was on top of him with one of his arms wrapped around the another's [sic] neck; this male was later identified as Augustine Valerian. The fight was very intense and active as Augustine struggled to get out of Dominic's grasp.

¶ At this point in time, I placed my vehicle in park, exited, and began approaching the male subjects and the crowd. Based on my observations, Augustine appeared to be at a disadvantage in the fight and was attempting to get away from Dominic. I feared that Augustine would be injured if he was unable to get away from Dominic and began to run towards the two. As I crossed the center median, I was trying to observe and gauge the crowd's hostility while watching for on coming traffic. As I stepped into the number two lane of eastbound traffic, I heard someone in the gathered group yell, "Cops!" Upon nearing two males, who were still actively fighting, Dominic still had Augustine in a choke hold but had rolled onto his right side, exposing his back to me as I approached. Knowing that someone had already announced my presence, and upon arriving at the males, I struck Dominic in the upper back with my right knee to separate him from Augustine. Dominic was forced onto his stomach from the impact, which allowed Augustine to get out from beneath Dominic. As that was happening, I grabbed Dominic's right wrist and attempted to place him in a twist lock, however, I was met with immediate muscle resistance. I ordered Dominic to "Get on the ground!" Dominic looked over his left shoulder and said, "I'm on the ground." I noticed that Dominic was bleeding from the bridge of his nose when he looked back at me. At this point, I was able to get on my radio and advise of my location and the situation at hand. Dominic continued to resist my efforts to control him and was able to get onto his knees and support himself with his left hand. I again ordered him to the ground using the same working. Dominic continued to look at me and said, "We're brothers!" I replied, "Get on the ground and I'll figure this out." A female from the gathered group also yelled that they were brothers. While this exchange was taking place, Augustine was standing behind and off to the side of me. After the third exchange, Dominic began to try and stand. I pushed him forward to knock him off balance, however, he was able to stand.

¶ Once Dominic was standing, I twisted his wrist harder in an attempt to gain pain compliance, however, the hold did not appear to impact his resistance. Dominic then turned, faced me and tried to knee me with his right knee. I shifted my body to the right, avoiding the knee, while releasing my grasp of Dominic. Once I released my hold of Dominic, I lowered my right shoulder and drove it into Dominic's mid section with the intention of taking him to the ground where I could control him better. As I made contact with Dominic and began driving him backwards towards some bushes, I heard Augustine yell, "Get off my fucking brother." I then felt the weight of Augustine on my back. Unable to support his weight and driving Dominic back, my legs gave out and I fell to my left. When I hit the ground, which was wet dirt, I landed in a seated position with Augustine and Dominic on top of me. Dominic and Augustine landed on the top of my head/neck compressing my neck down towards my shoulders. I immediately felt a tingling sensation and intense pain in my neck. While still in a seated position, I grabbed my radio and requested emergency back up.

¶ The next thing I remember is laying on my back in the bushes with both Augustine and Dominic on top of me. Dominic was laying with his chest across mine with his head to my left and Augustine was on top of him with his head to my right. I immediately grabbed Dominic's shirt with both hands and pushed him up and off of me. At that point in time, I was slightly dazed but saw Augustine being pulled off of me and to my right while Dominic was pulled off of me and to my left. I immediately got to my knees and saw that a citizen had pinned Dominic to the ground. Another citizen was attempting to control Augustine, however, he was actively trying to get away. I approached the citizen holding Augustine and ordered to the ground. He continued his efforts to escape. I considered the following: Augustine had already assaulted me and attempted to lynch his brother from my grasp; I had sustained an injury to my neck and was somewhat dazed; Augustine was actively trying to free himself from the citizen's grasp; if Augustine was able to free himself from the citizen's grasp, he may continue his assault upon me. Having this in mind, I punched Augustine in the right side of his face three times in an attempt to stop his physical resistance. After the third punch, Augustine fell to the ground. It was at this point in time that back up officers began to arrive. Due to Augustine's resistance, I directed officers to assist the citizen while I returned to Dominic and placed him in an arm bar and waited for other officers to arrive. Once the officers arrived, Dominic was taken into custody.

¶ After Dominic and Augustine were secured, I felt an intense pain in my neck and felt my neck muscles beginning to tighten along with minor tingling. The Fire Department was summoned to the scene where I was immobilized for fear I had sustained a neck injury. I was brought to Sutter Davis Hospital where I was x-rayed and told that I had a fracture to my T-1 spinous process."

8. Subsequent to the April 17, 2010, incident, the arresting officer learned that the identified fracture in his neck existed prior to the incident and that he had sustained a sprained neck, rather than a fracture. The officer also sustained some minor bruising and abrasions.

9. Respondent's version of the incident with the officer is substantially the same as related in the officer's report.

CONCLUSIONS OF LAW:

1. The facts and circumstances surrounding the violation of section 148 of the California Penal Code of which respondent was convicted, did not involve moral turpitude, but does involve other misconduct warranting discipline. The respondent acknowledges that by the conduct described herein, he willfully violated section 6068(a) of the Business and Professions Code.

AGGRAVATING CIRCUMSTANCES.

Additional Aggravating Circumstances

Respondent's conduct harmed the officer. Respondent's conduct showed disrespect to the law. Respondent by his conduct brought disrespect to the profession.

Respondent had a blood alcohol level in public that was found to be "more than twice the legal limit to drive a car."

MITIGATING CIRCUMSTANCES.

Remorse: Respondent immediately sought treatment and committed himself to attending AA and a 12 Step Program called "The Other Bar" (a twelve step program for attorneys).

Good Character: Respondent has provided at least 14 letters attesting to his good character. These letters came from a wide range of references in the legal and general communities and from people who are aware of the full extent of his misconduct.

Additional Mitigating Circumstances.

Substance Abuse Treatment: In addition to attending AA and a 12 Step Program called "The Other Bar," since February 8, 2011 to the present, respondent has participated in a weekly chemical dependency educational program at Kaiser. This began after the conclusion of his weekly therapy sessions with Christa Donaldson, psychotherapist, which began on August 9, 2010 and continued until January 19, 2011.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was August 10, 2011

AUTHORITIES SUPPORTING DISCIPLINE.

In the Matter of Stewart (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 52, 60-61 – Suggests that assaultive crimes generally result in actual suspension from the practice of law. Stewart received 60-days actual suspension for violation of Penal Code section 243(c) battery on a police officer. Stewart was intoxicated at the time and had prior discipline.

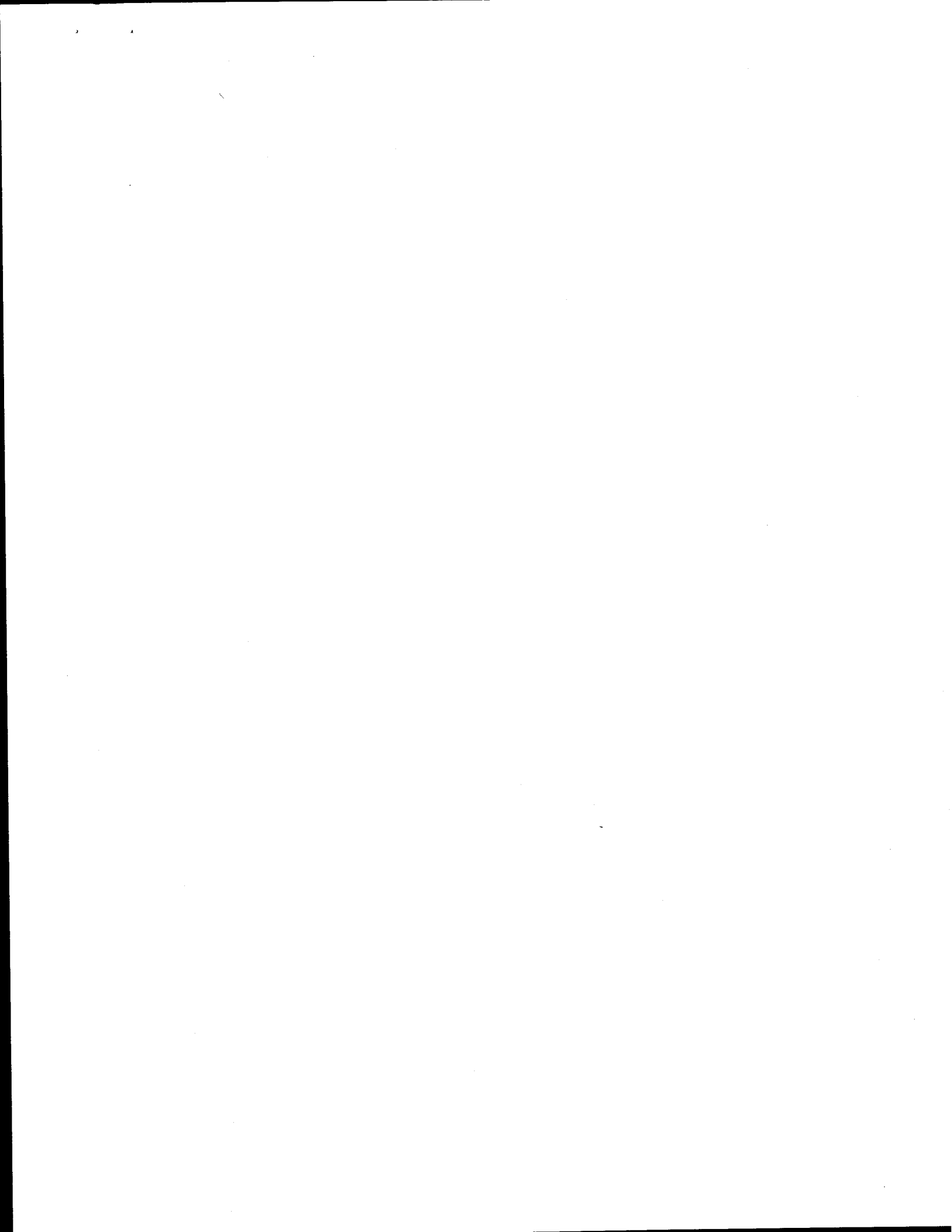
In re Hickey (1990) 50 Cal.3d 571 – repeated acts of violence toward spouse and others, coupled with failure to properly withdraw from legal representation in another matter, no prior record of discipline, 30-days actual suspension. Hickey had been drinking alcohol at the time of the criminal incident.

Standard 2.10 – "Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or of a willful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to 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."

Standard 3.4 – "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."

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 10, 2011, the prosecution costs in this matter are \$2,287. 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.



DEWEY & LEBOEUF

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April 30, 2010

Jeff W. Reisig
Yolo County District Attorney
c/o Ted W. Cassman, Esq.
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, CA 94710

Re: Dominic Valerian

Dear Mr. Reisig,

Dominic Valerian, who now faces serious charges in your County, was a colleague of mine at Dewey & LeBoeuf in Los Angeles for close to three years.

He notified me of the situation that brings him to your attention and has asked me to write to you about my knowledge of him based on our relationship in Los Angeles.

It goes without saying – but I'll say it – that I know your responsibilities in the charging and settlement of cases. I simply ask that what I write here will be considered in the mix of facts and circumstances you'll consider.

First, when I was told of the fracas that led to his arrest, I was stunned. In my acquaintance with Dominic, I have never seen him intoxicated or violent. I've always seen him as a smart upbeat guy who got along well with others in the office; in the one case we worked on together I found him to be a responsible cooperative associate; through his good work we were able to achieve a settlement favorable to both parties.

He had a particular interest in pro bono activities and areas beyond the office. In fact I figured because of his public interests he might well end up in a District Attorneys office or City Attorneys office. Those interests were manifested in his establishment of partnerships between our office and the Alliance for Children's Rights, the Center for Pacific Asian Families, the Center for Law in the Public Interest and the Legal Aid Foundation. He personally took on a couple of pro bono cases.

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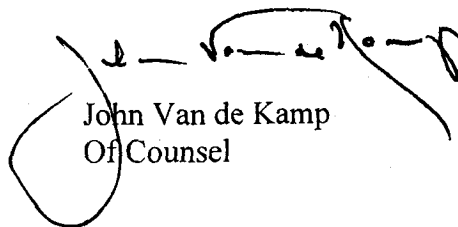
ATTACHMENT 1

Jeff W. Reisig
April 30, 2010
Page 2

Quite naturally, a felony conviction could lead to the loss of his law license and all that has gone into it; that would be a tragedy not only for Dominic but for all those he can help in the future.

I do not write to minimize his conduct, but with the hope that a sense of restorative justice will be achieved, that brings full restitution to anyone he's injured, a new resolution in Dominic's life that keeps him out of harm's way in the future, and an opportunity for him to do the good he is capable of doing.

Yours very truly,



John Van de Kamp
Of Counsel

JVDK/sp

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May 5, 2010

Jeff W. Reisig, Esq.
Yolo County District Attorney
c/o Ted W. Cassman, Esq
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, Cal. 94710

Re: Dominic Valerian

Dear Mr. Reisig:

I write concerning Dominic Valerian. Dominic worked as an associate at Dewey & LeBoeuf for about three years. I have been a partner in the firm for nearly 25 years and Dominic worked on a variety of class actions and other business litigation with me on behalf of various major businesses.

Dominic has informed me of the serious criminal charges that he and his brother face in Yolo County. I understand that they were very intoxicated and rough housing and that a police officer was injured when he attempted to intervene.

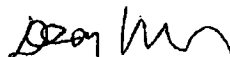
As a former state and federal prosecutor and a past Police Commissioner of LA I normally have no interest in assisting or have any sympathy for anyone who would injure a policy officer. Here, however, the assertion that Dominic would intentionally harm another person, let alone a law enforcement officer, is totally out of character for him. In all of my dealings with Dominic I found him to be extremely responsible, respectful and well-behaved. All of Dominic's behavior that I have observed has been appropriate and courteous. Dominic has enjoyed being a lawyer and has a great deal of respect for our legal system. He decided to follow in his father's footsteps to become a lawyer. The most prominent photograph in his office was one of he and his father standing with Justice Scalia at a bar function. If we had sufficient work in the office I would re-hire Dominic. He comes from a close knit family. In fact, one of the reasons for Dominic moving north was to be closer to family.

May 5, 2010
Page 2

From my years in law enforcement I believe that one needs to take responsibility for the consequences of one's actions. Here, however, it would be a great tragedy if Dominic were to be convicted of a felony. It would jeopardize and perhaps even end, his legal career at an early age and might deprive those who would benefit from his assistance over the years.

If I can answer any questions about Dominic please let me know. I am also willing to play a role in supervising him over the next couple of years if that would be of assistance.

Respectfully



Dean Hansell

DH/ep

Jeff W. Reisig, c/o Ted W. Cassman
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, CA 94710
510-845-3000
510-845-3003 fax

Matthew S. Weiler
345 Frederick, Apartment 1
San Francisco, CA 94117

April 27, 2010

Dear Mr. Reisig,

I am an attorney at Morgan Lewis & Bockius, LLP, and I write you regarding Dominic Valerian.

I have known Dom for over five years. We worked together at a law firm in Los Angeles (Dewey Ballantine) for several years, and have been close friends ever since. When we worked together, I supervised Dom's work, and helped him develop as an attorney. Dom is very bright, and has a strong work ethic. Dom was also a loyal and dedicated employee, who served our clients very well through his diligence, his creativity, and his attention to detail. As Dom's supervisor, I knew Dom to be respectful, both to myself and other senior attorneys. Dom was the type of person who would volunteer for tough projects, including working nights and weekends.

Beyond being a capable and hardworking attorney, Dom demonstrated a commitment to the community that I found to be rare. When I worked with Dom, he served as the office's Pro Bono Committee Chairman, and dedicated hundreds of hours to serving clients of limited means. Dom was able to balance these commitments with his work for the firm's other clients, which is no small task.

Through working together, I have become very good friends with Dom. I know his girlfriend, Xinying, and he is as dedicated and loyal to her as he was to the firm's clients at Dewey Ballantine. I was also a teammate of Dom's on basketball and softball teams, where he contributed hustle, teamwork, and sportsmanship (indeed, our basketball team received a sportsmanship award, due in part to Dom's good attitude). I know Dom to be good-natured, generous, easygoing, and loyal.

I am aware that Dom was involved in an incident, after which Dom has been charged with resisting a police officer resulting in great bodily injury and resisting a police officer by means of threats, force, or violence; and misdemeanor charges for battery on a police officer and fighting. I cannot reconcile this news with the person I know. Dom has respect for authority, and would not injure a police officer, or resist arrest. I have never known Dom to start a fight; indeed, I have seen him break-up fights. Whatever happened that night was certainly not an accurate reflection of who Dom is, or a product of his moral reasoning.

I expect more out of Dom than what reportedly transpired in the evening in question, and it would truly be tragic if these events would in any way dim the bright future he has ahead of him. Dom has the character and the aptitude to be a leader in the legal field, and a valuable member of the larger community.

Respectfully Submitted,


Matthew S. Weiler

May 5, 2010

Mr. Jeff W. Reisig
Yolo County District Attorney
c/o Ted W. Cassman
Arguedas, Cassman, & Headley LLP
803 Hearst Avenue
Berkeley, Ca 94710

My name is Michael Bercovich, and I am the General Counsel for Alco Iron & Metal Company in San Leandro, California. I am writing to you today to discuss my friend Dominic Valerian. I am aware that Dominic has been charged in Yolo County for resisting a police officer and causing injury to an officer during an incident that took place at UC Davis's Picnic Day in April. The purpose of this letter is for me to give you a perspective of Dominic from years of friendship and to show that this type of action is completely out of his character.

To begin with, I first met Dominic at UC Davis as a freshman. We shared a dormitory floor at Davis and our friendship grew over the next few years at school. Dominic and I were in the same major and worked together on many assignments and activities during our undergraduate studies. As we reached the end of our college life we both began preparing to go to Law School. As it happened, I decided to enroll in UCLA and Dominic decided to go to USC. Both being in Los Angeles for Law School allowed us to live together for the next three years. Over that period we spent a great deal of time together and traveled many places, including China. After graduating Law School I moved back up to Northern California, however Dominic and I stayed close friends while he was working in LA. Late in 2008, I was proud to have Dominic stand beside me as my best man when I got married at the UC Davis Alumni Center.

Turning to the recent incident at Picnic Day, I was in absolute shock to hear that Dominic had been charged for resisting arrest and assaulting a police officer. Dominic has always had a great respect for law enforcement and in the past had spoken to me many times about becoming a member of that field. In college he looked into becoming an FBI employee and even recently had taken a police entrance exams exploring other career paths. I cannot stress enough how shocking I find charges. Dominic has never been someone to try to cause any type of problem like this. I can only surmise from my extensive time spent with Dominic is that he was not aware of the officer's presence. There has been on occasion, a few incidents, where Dominic was drinking heavily which led to "blackouts." These incidents have never led to violent behavior and I strongly believe this is a one time incident.

Since Picnic Day and his stay in Yolo County Jail, I have seen a great change in Dominic. He is very remorseful and is himself in shock trying to figure how this could

have happened. He feels his life's goals are slipping away due to this incident. He has recognized his that his drinking problem has not only affected his life but many others and has committed to changing his ways. He has been attending meeting of the Other Bar and has committed to his friends that he will give up drinking. I think that with the support he has of friends and family he will be able to get through this and make a positive change for his life.

Finally, I want to stress one final time that I believe that Dominic could not have known that a police officer was involved in the incident on Picnic Day. He has too much respect for law enforcement and too many goals for his life and career to knowingly commit any of the charges he is facing. I think that the excessive drinking was the primary cause of Dominic's involvement in the incident and strongly believe that Dominic recognizes this problem and is addressing it. I hope that these considerations will be recognized when any actions are taken against him. Dominic is a special friend and I wish I had been there at picnic day to help abate this incident. I know that he is devastated and I cannot imagine any incident such as this will ever occur again. Thank you for taking the time to read this and I truly hope you can see that Dominic is not a person who would commit these actions.

Sincerely,

A handwritten signature in cursive script that reads "Michael Bercovich". The signature is written in dark ink and is positioned above the printed name.

Michael Bercovich



GALLO & ASSOCIATES
ATTORNEYS AT LAW

May 14, 2010

Jeff W. Reisig, Esq.
Yolo County District Attorney

c/o Ted W. Cassman, Esq.
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, CA 94710

Re: *Dominic Valerian*

Dear Mr. Reisig:

Dominic Valerian works for me as an associate attorney at my law firm. I have seen and understand the pending serious criminal charges against him, and the facts of the case as detailed in the complaint and police report. I represented Dominic at his arraignment and sought to have his bail reduced, so I have seen the reports. I write in support of Dominic because I believe Dominic is actually an extraordinarily decent and gentle person, and that the events at issue arose from unusual circumstances—a exceptionally large amount of alcohol and Dominic's close relationship with his brother (which I understand is, in a fraternal style, often expressed through wrestling matches).

I first met Dominic in about October of last year; he came to work for me in early December. We have no personal relationship apart from work. But I have eaten lunch with him many times, have worked with him routinely for some time now, and am in his company most work days. His desk is about one foot away from mine through a thin wall, and we work in a very small office (there are just three of us here most days). I have on approximately three occasions taken Dominic and another associate out for a

drink or two. And, Dominic and his girlfriend had dinner with me, my wife, and our two very small children at my home before I hired him.

My distinct and overall impression of Dominic—even now—is that he is a surprisingly gentle person. Even in light of the charges, I remain comfortable having him in the office. In a situation requiring honesty, I believe he could be counted upon. In one requiring gentleness, patience, and/or restraint, I believe he could be counted upon. I believe he is less prone to violence than most men. I would leave my small children (ages 2 and 4, roughly) in his care without concern, and I can say that about very few people. I think that they would really like him. And I think he would both be gentle with them and put their safety before his own.

Dominic's legal skills appear excellent. I believe that he has a bright future in the profession aside from this case.

If I had any genuine doubts about Dominic I would take this opportunity—his arrest on felony charges—to end our relationship. But I do not. Even though I have not known Dominic a long time, I feel confident that he is who I previously perceived. Also, I did personality testing in connection with hiring him, and he tested very positively, which corroborates my personal feelings.

It would be a waste if Dominic's ability to practice law were impaired by discipline or, worse, disbarment. He has shown a keen interest in the work we do on behalf of consumers and others who need a voice in the courts. I do believe he will be a good lawyer. And as of today I believe I would be glad to work with him for a long time. But without a license I will not have a place for him. My firm is one with a very strong and positive reputation for both integrity and results. As much as I like Dominic, I cannot see having a disciplined lawyer as part of my firm, or one with a felony conviction. If his license to practice law is suspended or revoked, I will have to let Dominic go.

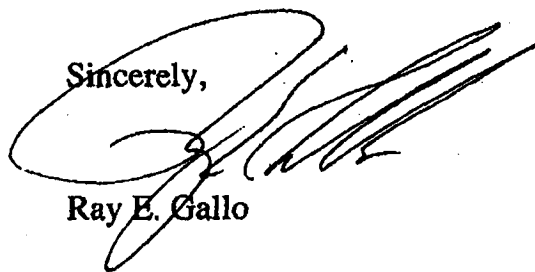
I can tell you that Dominic is clearly deeply remorseful. I had to advise him more than once on the impropriety of extending his clearly and

deeply felt regrets to the injured officer. And I sincerely believe that Dominic has learned from this incident that he must forswear alcohol altogether. I know he has taken affirmative steps in this regard.

I also can give you an example of how relatively selfless Dominic routinely is: While sitting in the jury box, wearing his jail stripes, handcuffed to other prisoners on his right and left, and awaiting his bail hearing, I had my first opportunity to speak to him since these events. The first thing he wanted to tell me was not about the serious trouble he was in, but about his responsibilities at my firm, which he had been away from for two days while jailed. I was fairly stunned by him putting our clients first in that moment under those circumstances. But that is what he did.

For all these reasons, I ask that the prosecution and the court view this case as I believe it is: An aberrant set of circumstances that led to events entirely out of character for Dominic. I ask that the court and prosecution be as lenient as they can be under all the circumstances. I believe that justice and the public interest will best be served this way. Dominic is a good guy, deeply contrite, could do a great deal of good, and will do more good in his lifetime by far if allowed to continue down the career path he's on.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray E. Gallo', written over a large, stylized circular flourish.

Ray E. Gallo

May 11, 2010

Jeff W. Reisig
Yolo County District Attorney
c/o Ted W. Cassman
Arguedas, Cassman, & Headley LLP
803 Hearst Avenue
Berkeley, Ca 94710

Dear Mr. Reisig:

My name is Aaron Cohn and I am writing on behalf of Dominic Valerian. I am a long time friend of his and a member of the Bar of California in good standing (BN 264756). I practice in land use and environmental law in San Francisco at the law firm Holland & Knight LLP. Dominic and I grew up together in Berkeley and Oakland, attending the same middle school and high school. We have been friends ever since. Sometimes on the weekends we play tennis or just hang out and enjoy the days. We also go skiing together on occasion and I lived with Dominic in Los Angeles for a few months when I moved there in 2004. We've known each other for almost 20 years.

I understand that Dominic is facing felony charges for resisting a police officer resulting in great bodily injury and resisting a police officer by means of threats, force or violence; and misdemeanor charges for battery on a police officer and fighting. I also understand that this arose out of an incident between Dominic and his brother Gus at an event at UC Davis, where Dominic attended as an undergraduate student.

It is my sincere belief that Dominic would never knowingly hurt a police officer or resist arrest. In general, Dominic is one of the most level headed people I know. I have never known him to be a violent person or be disrespectful to people in any way. He is well respected among our friends. He also cares deeply about his family and friends. When his mother passed away a number of years ago, Dominic became even closer to his brothers and sisters – spending time with them and serving as a role model for them. Additionally, he holds police in high regard, and, in fact, recently applied to become an officer in San Francisco. For all these reasons, I do not believe that Dominic would ever intentionally hurt an officer or resist arrest.

Since the incident, I have seen and spoken to Dominic on a number of occasions. He feels terrible about what happened and hopes that he can put it behind him soon. He has given up drinking and is attending AA meetings regularly. He is also just beginning his career as a plaintiffs attorney after four years with the civil defense bar – now helping to protect consumer and individuals – and I believe he will be a great asset to our bay area community in this regard. This incident has cast a cloud over his future career and confidence in general. I hope you find enough evidence and compassion to recognize that this is an isolated incident that will never happen again.

Please do not hesitate to call me at (415)200-7667 if you have any questions about Dominic.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Cohn', with a stylized, cursive script.

Aaron Cohn

May 18, 2010

Jeff W. Reisig
Yolo County District Attorney
c/o Ted W. Cassman
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, CA 94710

Dear Mr. Reisig:

I love my sons Dominic and Augustine. Dominic is the oldest and Augustine is the third of four children all born two years apart who are very loving and part of a close knit family. Dominic is an accomplished young attorney. Augustine has held several diverse and interesting jobs. Francesca, has a Master's degree from the University of Columbia School of Social Work and is employed in Child Protective Services for the County of Fairfax, Virginia. The youngest, Monica, is a member of Teach for America who teaches in the Oakland Public School System. All four have graduated from U.C. Davis. I am very proud of all my children.

Dom and Gus are very close. They often travel together and have made many international friends. They enjoy playing sports together as well as getting together with their mutual friends. Dominic and Augustine are kind, thoughtful, generous, and considerate. They are loyal and good friends. They both have always been dedicated and very hard working.

Dominic graduated from U.C. Davis with Honors. He attended law school at the University of Southern California on a partial scholarship. He was hired by a New York law firm to work in its Los Angeles office. He worked at the firm for three years until he was laid off last year due to the economic downturn. During his years in practice he worked on several significant pro bono cases. He has returned to the Bay Area to live near family and friends and now works for a law firm in San Rafael.

After graduating from Bishop O'Dowd High School, Augustine first attended three community colleges and was then accepted to U.C. Davis, where he graduated with better than a 3.0 GPA. He also studied at the University of Ireland in Galway for a year. Gus has never shied from difficult and sometimes dangerous work: he spent three seasons as a firefighter sawyer cutting down trees in the path of the great forest fires that in recent years have besieged California and the western states. He has worked on three ranches as a ranch hand. He has worked under water cleaning barnacles off the hulls of boats in The San Francisco Bay. This past winter he was a ski instructor at Homewood in Tahoe, teaching young children how to ski. Both Dominic and Augustine volunteer at the Futures Public School in the heart of Oakland where their sister Monica is a kindergarten teacher for a class of economically deprived children.

Dominic and Augustine are not violent, but do have a very competitive nature. I coached both of my sons for many years in club soccer and Little League. Both played sports in high school. Augustine was on the Merritt College Track Team, played rugby in Ireland and was a member of the Davis NCAA Lacrosse Team. Since college he has engaged in long distance running and played for the Cliff Bar Lacrosse team. Since law school Dominic has regularly played softball for lawyers' leagues in Los Angeles and San Francisco in addition to the City of Oakland's recreational league.

A profound event of great sadness was the loss of their loving mother who died of cancer when Augustine was a sophomore in high school and Dominic was a junior in college.

Dom and Gus are very much loved by their seventeen aunts and uncles and thirty two cousins. Both have mentored, nurtured, and served as a role model for many of their younger cousins. They freely give their time and energy to help others. They are inquisitive, practical and optimistically face challenges. Dom and Gus have made the most of their God given talents.

Thank you for your kind consideration.

Sincerely,

A handwritten signature in cursive script that reads "Richard Valerian". The signature is written in black ink and is positioned above the printed name.

Richard Valerian

May 18, 2010

Jeff W. Reisig
Yolo County District Attorney
c/o Ted W. Cassman
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, CA 94710

Dear Mr. Reisig,

My name is Monica Valerian and I am writing to you on behalf of my brothers, Dominic and Augustine. I hope I can offer some insight into their character.

My siblings and I are each two years apart. Dominic is the eldest, followed by our sister Francesca, then Augustine and, finally, me. Throughout my life, my brothers have offered me love and guidance. Our relationship, however, took on new importance when our mother passed away in 2001.

To support our family, Dominic returned home from UC Davis every weekend. He was especially committed to helping my siblings and I succeed in school without our mom. From my freshman year of high school to my college graduation he edited my essays and helped me study for countless exams, regardless of his own busy schedule. Augustine, meanwhile, became one of my closest friends.

In recent years, both Dominic and Augustine have made me proud by showing their commitment to helping our community. In college, Augustine coached students from his high school in lacrosse. In 2006, when our family took in foster children, my brothers were strong role models. They gave their time to play basketball with the children and even taught them to play chess. Four years later, they continue to spend time with one of the children.

When I became a Kindergarten teacher last fall, my brothers were the first to volunteer in my classroom. As children growing up in East Oakland, my students were excited to meet a fireman and a lawyer from their hometown. "Mr. Dom" taught lessons on shapes, while "Coach Gus" trained students in the basics of soccer. Although Dominic's work schedule makes it hard for him to visit often, Augustine continues to be a strong presence in my classroom. The chance to play soccer with Gus is enough to keep even my most troubled students on track. His support is invaluable to me and my kindergartners.

My brothers are two of the most caring men I know. As a Davis Alumnus, I was with them on April 17th. Words cannot describe my shock and sadness at seeing them in hand cuffs and learning of their charges. As they've done since we were small, my

brothers were wrestling. They made a mistake to drink so much, but they had no harmful intentions. My brothers would never intentionally harm a police officer. Had they known that Officer Glasgow was a policeman trying to separate them, I know that they would have stopped immediately.

The events of April 17th shook my brothers deeply. They have both spent the past month meticulously examining and reflecting on their life choices, especially in regards to alcohol. They both recognize that they have a serious drinking problem and they have resolved to overcome it. Since April 17th, both of my brothers have stopped drinking alcohol. They are seeking ongoing support by attending biweekly Alcoholics Anonymous meetings. I fully support my brothers' sobriety and I am very confident that they have made a lifelong change and will continue to abstain from alcohol.

Sincerely,

Monica Valerian

Monica Valerian

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

525 Market Street, 17th Floor, San Francisco, CA 94105-2725

Tel: 415.433.0990 Fax: 415.434.1370

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May 3, 2010

Jeff W. Reisig, Esq.
District Attorney
Yolo County
301 Second Street
Woodland, CA 94595

Re: *Dominic Valerian*

Dear Mr. Reisig:

My name is Michael W. Bolechowski and I am currently an attorney at Wilson, Elser, Moskowitz, Edelman & Dicker LLP in San Francisco. I have been a District Attorney in Philadelphia and also was a Deputy Attorney General for the Commonwealth of Pennsylvania. I am writing on behalf of Dominic Valerian, who faces quite serious charges from an incident that occurred on April 17, 2010 at the University of California at Davis.

I am, quite frankly, shocked and saddened by the fact that Dominic faces felony charges for resisting a police officer resulting in great bodily injury and resisting a police officer by means of threats, force or violence. I understand there are also misdemeanor charges for battery on a police officer and for fighting. These are extremely serious charges and I certainly am very concerned for the police officer involved. I hope that he recovers from his injuries and will be able to resume his occupation and life normally.

I have been a family friend of the Valerians for over ten years and I have seen Dominic on a day to day basis when he worked for me as a summer law clerk. I am sure that the family is as shocked as I am and certainly their sympathies would go out to the police officer as well.

I am writing to categorically state that I have never seen Dominic act in such a thoughtless and dangerous manner. I know him to be level-headed, responsible and good humored.

We were extremely proud when Dominic graduated USC's law school and I have followed his career closely. He is a very bright and able attorney and I valued him especially for his quick mind and his problem solving skills. I believe that he has a bright career ahead of him and I hope and pray that he can make amends and make restitution for this really tragic episode in his life.

Jeff W. Reisig, Esq.

May 3, 2010

Re: *Dominic Valerian*

Page 2

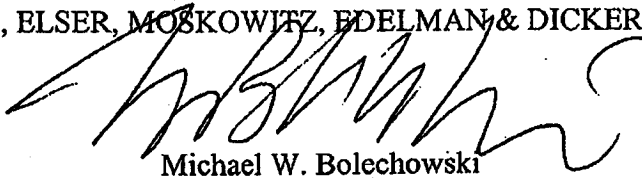
I can guarantee you one thing, however, that Dominic will learn from this experience and, if given the chance, will go on to be a credit to his family, his profession and the community.

I know you are in a difficult position and are required to balance the public interest and especially I think that you need to be sure that our police officers are not endangered or injured in the course of their duties. On the other hand, you do have the life and career of a very fine young man on the other side of the equation. I understand that he is now participating in the "Other Bar" and is committed to take alcohol out of his life. While you have the burden to balance, I hope that you will consider this sincere and humble request in your determination on how this case will proceed.

I would be happy to discuss this matter with you and will certainly be happy to appear at any proceeding as a character witness for Dominic Valerian.

Sincerely yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Michael W. Bolechowski

MWB/dam

June 3, 2010

Jeff W. Reisig c/o Ted W. Cassman
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, CA. 94710

Francesca Valerian
11701 Great Owl Circle
Reston, VA. 20194

Dear Mr. Reisig,

My name is Francesca Valerian. Dominic and Augustine Valerian (Dom and Gus) are my brothers. I was born between them in 1982.

I feel lucky to be Dom and Gus's sister. Dom has always enjoyed being the eldest child, and fits well into the role as he is a natural leader. Dom is less than two years older than me, yet he has been a role model and mentor to me and my other siblings since we were young. Dom taught us how to build forts, to roller skate, play card games, and tie shoes. He's also responsible for my nickname—Cheka—since he had trouble pronouncing Francesca when he was little. As an adult, his natural ability to listen and provide fair minded, honest advice makes him one of the first people I turn to when in need of support. I trust his opinions and know that his ideas are in my best interest. Dom is also a kind and generous person. For example, when my beloved dog, a dachshund named Oliver, had a spinal injury this past winter, Dominic offered to pay for an expensive spinal surgery because he knew I could not afford it on my own.

Gus is less than two years younger than I am. He is a sensitive being who cares deeply about others. When we were young, Gus found joy rallying our siblings together to clean the house when our parents went out to dinner, or to cook breakfast in bed for our mother on her birthdays. Gus lived with our elderly grandfather last summer to watch over him throughout the nights in case of an emergency. Gus is a gentle person who finds joy in making others happy. I love my two brothers very much and I am proud of who they have become.

As children, Gus was physically much smaller than Dom. At a young age, Gus stated that he wanted to one day be strong enough to win a wrestling match against his older brother. Dom and Gus, throughout our lives have infrequently wrestled in good fun to "check" to see who is stronger. Their wrestling has taken place in private areas, such as in the backyard of our home. Until I heard about the incident on April 17, 2010, I do not believe they have ever wrestled in public. If they had been sober that day, I am certain this incident would not have occurred.

It was a shock, and saddened me to hear that Officer Glasgow had been injured due to this incident. To the best of my knowledge, Dominic and Augustine have never wrestled out of anger or with intent to harm each other or anyone else. I have no doubt that if my brothers knew that an officer was attempting to stop their wrestling, they would have discontinued immediately. We were raised to respect law enforcement, and I know that my brothers do. In fact, both of them recently applied to become police officers, and Dom has submitted several applications to become a deputy district attorney.

This has been a tremendous hardship for my family. I know my brothers are extremely shaken from this experience and deeply regret that Officer Glasgow was injured. They both have committed to stop drinking alcohol, and are attending Alcoholics Anonymous to help ensure that nothing like this will happen again. Dom and Gus are committed to being good and productive citizens. I hope that you will consider reducing their charges to misdemeanors, and order my brothers to continue alcohol rehabilitation. I also believe it would be beneficial for my brothers to carry out community service hours working with young adults and teens to teach about the consequences of drinking alcohol.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read "Francesca Valerian". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Francesca Valerian

Jennifer Anne Smith
1400 Carpentier Street Apt. #202
San Leandro, CA 94577

May 7, 2010

Mr. Jeff W. Reisig
Yolo County District Attorney
c/o Ted W. Cassman
Arguedas, Cassman, & Headley LLP
803 Hearst Avenue
Berkeley, CA 94710

Mr. Jeff W. Reisig:

My name is Jennifer Smith, and I am a History and Humanities Instructor at Heald College in Concord, California. I am writing to you on behalf of my friend Dominic Valerian. Dominic has informed me that he is facing felony as well as misdemeanor charges for fighting and resisting a police officer, which resulted in causing injury to the officer, on April 17, 2010. The purpose of this communication is to hopefully demonstrate that given the many years of friendship I have had with Dominic, I know this incident to be completely out of character for him.

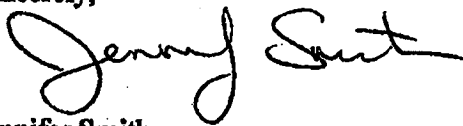
I have been friends with Dominic Valerian for the past 11 years, as we met our freshmen year at UC Davis. During our college years he was a kind and supportive friend who often helped me to complete my schoolwork, when studying was not my priority. Dominic has always been incredibly smart and motivated, and I have to give him credit for forcing me to do well in many of my undergrad courses. Dominic has always been a close friend who is willing to spend time with my family at our vacation homes, and even attends some of my many family functions. Even while Dominic attended USC and lived in Los Angeles, we were in regular contact and even traveled out-of-state to visit friends together. My parents were always less concerned for my safety when they knew I would be with Dominic. They have witnessed, as well as I, that Dominic is a man dedicated to his work, incredibly caring of his family, and exceptionally dedicated to his friends. I was honored to have Dominic give a moving toast at my wedding last year.

Returning to the incident at hand, I was taken aback and absolutely appalled to hear that Dominic had been charged for resisting arrest and assaulting a police officer. Dominic is not a person to ever intentionally hurt a police officer, or anyone for that matter. I can only assume that Dominic was unaware of what he was doing. I know this event to be a once in a lifetime mistake. Dominic has demonstrated how horrified he feels about the incident, and he has expressed sincere remorse that a law enforcement officer was injured. Dominic has always spoken in admiration of police officers and has often considered it as a possible career for himself.

Since Picnic Day I have seen the profound changes this has had on Dominic. He has worked towards his goals all his life, and is terrified of the consequences of his mistake in

drinking too much that day. He has committed himself to attending The Other Bar, and to give up drinking. I know he will continue with this, because he has the love and support of friends and family. We have all been devastated for him, but know that such an incident will never happen again. My sympathies go to the officer involved, but I hope the exceptional person Dominic normally is, will be considered.
Thank you for taking the time to read this.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Smith". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jennifer Smith
530-220-7272

1111 South Wabash #1109
Chicago, Illinois 60605

May 4, 2010

Jeff W. Reisig, Yolo County District Attorney
c/o Ted W. Cassman
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, CA 94710

Dear Mr. Reisig,

I am writing this letter in support of Dominic (Dom) Valerian. I understand that Dom is facing felony and misdemeanor charges for resisting arrest and injuring the arresting officer at UC Davis Picnic Day on April 17, 2010.

I am a 29 year-old resident physician at the University of Chicago Hospital in the department of Radiation and Cellular Oncology. Dom and I have been close friends since we attended junior high school and high school together in Oakland, California. Dominic has always been someone I turn to for advice. He has always had a firm grasp of right and wrong, even when we were teenagers. In high school I could always count on him to let me know when I was going to get myself in trouble. After high school I enjoyed visiting Dom while he was a student at UC Davis. I enjoyed these visits because he was someone with whom I could discuss problems and always get sound and objective advice.

In the years since college I have been mostly living in Chicago. Meanwhile, Dom moved to Los Angeles for law school and then to Oakland to practice law. However, Dom and I have remained close friends, talking regularly on the phone and always finding time to catch up when we are both in Oakland. Dom has been working hard the past several years to build his law career. Last year I asked him to be one of my groomsmen at my wedding. When I had to call off the wedding, Dom was one of the first people I turned to for support and advice.

In the nearly 20 years I have known him, Dom has never been involved in an incident similar to what transpired on April 17, 2010. Dom and his brother Gus have always been prone to wrestling bouts (as most brothers are). I have seen Dom and Gus wrestling in the past, and can understand why the police officer thought it was a fight. I am certain that the injury to the police officer was a result of an unfortunate misunderstanding and was by no means intentional.

I have spoken multiple times with Dom about his arrest and the injury suffered by the police officer. Dom sincerely regrets what occurred. He acknowledges that he was extremely intoxicated and has taken the courageous step of starting to attend Alcoholics Anonymous meetings through The Other Bar. From a personal experience with a close family member, I know how difficult it is for Dom to admit that he has a problem with alcohol. I also know that it is not a simple or quick process to work through an AA program. Dom has assured me that he is dedicated to remaining sober. Having known Dom for nearly 20 years, I am confident that he

will dedicate himself to making amends for his actions and work a program in AA to remain sober.

I hope that you take my evaluation of Dom's character under consideration when determining what charges to pursue against him. If I can answer any further questions, please do not hesitate to contact me at 312-560-0105.

Sincerely,

A handwritten signature in cursive script that reads "Daniel W. Golden". The signature is written in black ink and is positioned above the typed name.

Daniel W. Golden, M.D.
Department of Radiation and Cellular Oncology
University of Chicago Hospitals

RASTEGAR & MATERN

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May 3, 2010

Mr. Jeff W. Reisig
Yolo County District Attorney
c/o Ted W. Cassman
Arguedas, Cassman & Headley, LLP
803 Hearst Avenue
Berkeley, CA 94710

Dear Mr. Reisig:

I am an attorney in good standing with the State Bar of California and I am writing this letter in support of Dominic Valerian against the charges he is facing.

I have known Dominic since 2004 when we were both attending law school in Southern California. We dated for two years and Dominic has remained one of my dearest friends even after our romantic relationship came to an end in 2006. It is a testament to his character that our friendship was able to flourish to the present day. I know him well and I can testify with confidence to his character and values.

Dominic excelled in school and worked hard to succeed as an attorney. He does not take his career or future lightly and would never intentionally jeopardize all that he has worked so hard for. However, his academic and professional accolades speak for themselves. For me, Dominic is, above all, a caring and compassionate friend who goes the extra mile for his family and friends. He would never intentionally hurt or inflict pain on anyone. He enjoys physical activities, such as softball, basketball, flag football, and white water rafting, with his brother and friends, but is not violent or aggressive and never has been. I used to tease him that he was more soft-hearted than I was despite being over a foot taller than me. Dominic enjoys beer alcoholic beverages, sometimes perhaps a little more than he should, but I have never known him to become violent. The behavior he exhibited on April 17, 2010 was completely out of character and I know that this single mistake is not reflective of Dominic's true character, values, or habits. I know without a doubt that Dominic is a kind, respectful, and hard working individual.


Lastly, I would like to attest to Dominic's respect for law enforcement. He used to comment during law school that he would have joined the police academy or the CIA had he not decided to pursue a legal career. I witnessed several instances of police brutality and abuse while growing up in LA and thus my opinion of law enforcement is not as positive. I recall my conversations regarding police officers with Dominic because he would express his respect and

admiration and would come to their defense whenever I made a negative comment. I know that Dominic would never knowingly hurt another individual, especially a police officer.

I have spoken to Dominic at length concerning his involvement in this matter. I know that he is truly remorseful and that it has been a huge wake up call for him. He is determined to stop drinking alcohol altogether and has started attending meetings at the Other Bar. I know that he will do whatever he can to make this matter right.

I hope that you will get a glimpse of who Dominic is through the support of his family, friends, and colleagues and that you will show leniency for what truly was a mistake. Please do not hesitate to contact me to discuss in further detail my reference.

Very truly yours,
RABEGAR & MATERN



Christina Kim, Esq.

Xinying Chi
412 Richmond St.
El Cerrito, CA 94530

May 4, 2010

Jeff W. Reisig
Yolo County District Attorney
301 Second Street
Woodland, CA 95695

Re: Character Reference for Dom Valerian

Dear Mr. Reisig:

I have known Dominic (Dom) Valerian since November 2007, when he and I met in Los Angeles. I had just graduated from law school and was clerking for a federal judge in Los Angeles. We have been in a serious relationship since then. In 2008, we moved in together. In 2009 Dom and I moved back to the Bay Area, where we both grew up, to embark on an exciting new stage of our lives. I am currently employed as an attorney at Bay Area Legal Aid, a nonprofit organization that provides civil legal services to low-income people. We live together in El Cerrito.

The Picnic Day incident has had a profound impact on Dom. I saw him in the county jail the morning after he was arrested. I had never seen him so emotionally distressed and bewildered as he was then. Prior to this criminal case, I would have described him as a relatively mature 29-year-old young professional who was serious about his career, who liked to horse around with his guy friends, his brother and many cousins, and who had a fierce competitive spirit when it came to any kind of game, be it softball, jujitsu, or board games. In the time I have known him, he has not been a frequent binge drinker (otherwise I would not be dating him). He knew that he was supposed to avoid hard alcohol – he even made a New Year's Resolution to avoid hard alcohol. Neither he nor I realized at the time that the problem was not hard alcohol, but alcohol in general. It's the first drink that leads to the rest. Picnic Day and this criminal case has been a huge wake-up call about alcohol abuse. Dom has vowed to never drink alcohol again and to never wrestle again except in a gym or jujitsu class.

Dom deeply regrets his excessive drinking and inappropriate public wrestling, because an officer was injured. Many times, he has expressed to me his admiration for Lieutenant Glasgow's bravery in intervening in the wrestling match. I believe that instinctively Dom sympathizes with Lieutenant Glasgow's protective impulse, because he thinks that the Lieutenant was trying to save his little brother, Gus.

It does not surprise me that Dom sympathizes with the police officer, because he has always held law enforcement personnel in the highest esteem. Ever since Dom was laid off from Dewey & LeBoeuf in early 2009, he has been trying to become either a prosecutor or a police officer. He has applied for positions in the Marin County District Attorney's Office and the California Attorney General's Office (for corporate fraud), among other public service positions. He was in the application process to become a San Francisco Police Department officer; he already passed the written test and physical test. It was I who dissuaded him from actively pursuing an SFPD career, because I thought policing was too dangerous of a job. After much discussion, he promised me that he would prioritize finding a job as a lawyer. He kept his eyes peeled for prosecutor jobs in particular. Only one week before Picnic Day, he sent a job application to the Merced County District Attorney, hoping to become a deputy DA there.

As his interest in law enforcement careers shows, Dom is committed to public service. Most recently, from October through December 2009, he volunteered at Bay Area Legal Aid's Housing Law Clinic and defended eviction cases pro bono. Today, he continues to contribute his pro bono services to community residents in need. If Dom were to be convicted and sentenced to serve time, it would be a loss to all of us who know him well and work with him.

I am probably Dom's most demanding critic, and I could give you a list of all the little faults that I tend to find in him. If I merely suspected that Dom knowingly hurt a police officer, I would break up with him in a second. But I can say with absolute confidence that the unfortunate accident on Picnic Day does not reflect who he really is: An honorable, caring man who is not only supportive of law enforcement, but aspires to be in law enforcement. I hope and pray that he be judged without prejudice, all sides to this matter being considered.

Yours Truly,



Xinying (Yingying) Chi

(Do not write above this line.)

In the Matter of: Dominic R. Valerian	Case number(s): 10-C-08182
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SIGNATURE OF THE PARTIES

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

8/10/11 *Dominic Valerian* Dominic R. Valerian
Date Respondent's Signature Print Name

8/12/11 *Robert Henderson* Robert A. Henderson
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: Dominic R. Valerian	Case Number(s): 10-C-08182
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REPROVAL ORDER

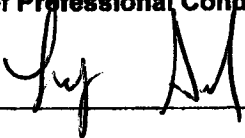
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

Aug 15, 2011
Date


Judge of the State Bar Court

LUCY ARMENDARIZ

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 15, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

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

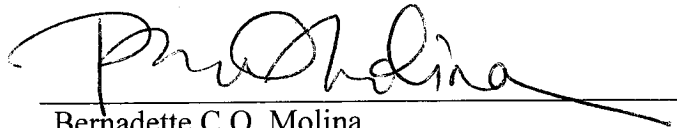
DOMINIC R. VALERIAN
GALLO & ASSOCIATES
1101 5TH AVE STE 205
SAN RAFAEL, CA 94901

DORON WEINBERG
523 OCTAVIA ST
SAN FRANCISCO, CA 94102

- 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 15, 2011.


Bernadette C.O. Molina
Case Administrator
State Bar Court