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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Anand Kumar Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1714  Bar # 261592	<b>Case Number(s):</b> 11-C-10949-GES 12-C-14313	For Court use only  <b>FILED</b>  JAN 31 2013   STATE BAR COURT CLERK'S OFFICE LOS ANGELES
<b>Counsel For Respondent</b>  Susan Lynn Margolis 2000 Riverside Drive Los Angeles, CA 90039 (323) 953-8996  Bar # 104629	<b>PUBLIC MATTER</b>	
<b>In the Matter of:</b> Mansour Sig Haddad  Bar # 172061  A Member of the State Bar of California (Respondent)	Submitted to: <b>Settlement Judge</b> <b>AMENDED</b> STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 2, 1994.
- (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 18 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)



- (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):
  - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: three (3) billing cycles immediately following the effective date of the Supreme Court order in this matter. (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.

**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 08-C-13623 et al.
  - (b)  Date prior discipline effective March 20, 2011.
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Other misconduct warranting discipline. Description of misconduct explained further in stipulation, at page 13.
  - (d)  Degree of prior discipline two (2) years stayed suspension, two (2) years probation with conditions including a six (6) month actual suspension and until Respondent shows proof satisfactory proof to the State Bar Court of rehabilitation and present moral fitness to practice and present learning and ability in the law pursuant to standard 1.4(C)(ii), Standards for Attorney Sanctions for Professional Misconduct.
  - (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. See Amended stipulation, at pages 13-14.
- (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.

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- (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. See Amended stipulation, at page 14.
- (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.

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- (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 Amended stipulation, at page 15.
- (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 Amended stipulation, at pages 14-15.

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of two (2) years.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of four (4) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of two (2) years.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason: Respondent attended Ethics School on June 14, 2012, and successfully passed the test given at the end of the session. Accordingly, the protection of the public and the interests of the Respondent do not require passage of Ethics School in this case. (See rule 5.135, Rules of Procedure of the State Bar of California).

- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
  - Substance Abuse Conditions
  - Law Office Management Conditions
  - Medical Conditions
  - Financial Conditions

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

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**  
  
 No MPRE recommended. Reason: Respondent successfully passed the MPRE administered on August 10, 2012. Accordingly, the protection of the public and the interests of the Respondent do not require passage of the MPRE in this case. (See In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181, In the Matter of Trousil (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244.)
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: October 26, 2012 in connection with case no. 12-C-14313.
- (5)  **Other Conditions:**

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In the Matter of: Mansour Sig Haddad	Case Number(s): 11-C-10949-GES, 12-C-14313
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### Substance Abuse Conditions

- a.  Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b.  Respondent must attend at least 4 meetings per month of any combination of the following: meetings per month of:
- Alcoholics Anonymous
  - Narcotics Anonymous
  - The Other Bar
  - Other program

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

- c.  Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d.  Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e.  Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

As separate reporting requirements, Respondent must comply with the following additional substance abuse conditions:

f. Reporting Abstinence:

Respondent shall report his compliance with this condition (i.e. Abstinence) by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this Stipulation.

g. Compliance with Recommended Treatment:

Respondent shall comply with all treatment conditions currently recommended by Dr. Daniel M. Gordon ("Dr. Gordon"), M.D. of San Luis Obispo, CA for Respondent's treatment plan from his prior State Bar probationary conditions in case nos. 08-C-13623 et al., as originally set forth or as may be modified thereafter by Dr Gordon or another doctor certified by the American Society of Addiction Medicine, to be mutually agreed upon by Respondent and the State Bar or as ordered by the Court.

Respondent shall report his compliance with these conditions by statement under penalty of perjury in each written quarterly report to the Office of Probation and he shall provide such satisfactory proof of his compliance as the Office of Probation may request.

h. Consent for Release of Treatment and Recovery Information:

Respondent shall provide a written consent to all alcohol or drug recovery or treatment providers, including testing facilities, who provide services as identified in these Substance Abuse Conditions to release information to the Office of Probation regarding his treatment, compliance, and status.

i. Copy of this Stipulation to all Treatment Providers:

Within thirty (30) days of the effective date of discipline in this matter, Respondent shall deliver a copy of this stipulation to all treatment providers who provide services to him described in these Substance Abuse Conditions.

j. Reporting Consent and Delivery of Stipulation:

Respondent shall report his compliance with the condition of providing consent to release treatment and recovery information and his delivering of this Stipulation to treatment providers, by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this Stipulation and he shall provide to the Office of Probation satisfactory proof of his compliance if requested.

k. Costs are Responsibility of Respondent:

Respondent shall be responsible for the prompt and timely payment of all costs associated with these Substance Abuse Conditions, including, without limitation, the cost of examination(s), testing, treatment, or therapy, and any all other costs related to these Substance Abuse Conditions.



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1. Modification of Conditions:

Modification of these conditions shall be pursuant to the Rules of Procedure of the State Bar of California, rule 5.300 et seq.

Attachment language (if any):

**ATTACHMENT TO**

**AMENDED STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: Mansour Sig Haddad

CASE NUMBERS: 11-C-10949-GES, 12-C-14313

**FACTS AND CONCLUSIONS OF LAW.**

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

Case No. 11-C-10949-GES (Conviction Proceeding)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDINGS:

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 September 29, 2010, the San Luis Obispo County District Attorney filed a criminal complaint charging Respondent with committing five criminal offenses stemming from a September 24, 2010 arrest, including 1) a felony violation of Penal, section 368(F) for false imprisonment of an elder by violence; 2) elder abuse in violation of Penal Code, section 368(B)(1); 3) cutting a utility line in violation of Penal Code, section 591; 4) interfering with a wireless device in violation of Penal Code, section 591.5 and 5) resisting arrest in violation of Penal Code, section 148(A)(1).
3. On February 8, 2011, Respondent pled no contest to counts two, three and five and was convicted of three misdemeanors for engaging in elder abuse in violation of Penal Code, section 368(B)(1); unlawfully disconnecting a telephone in violation of Penal Code, section 591; and resisting arrest in violation of Penal Code, section 148(A)(1). By committing these misdemeanors, Respondent violated the terms of his prior criminal probation (see stipulation, at page 14.)
4. On June 9, 2011, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: For a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the September 24, 2010 criminal acts of which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

5. At approximately midnight on September 24, 2010, Respondent arrived at his parents' home in San Luis Obispo County in a highly intoxicated state.

6. Respondent's parents had been temporarily allowing Respondent to reside at their home, but upon observing Respondent in an inebriated state, Respondent's father, Sabah Alhadad ("Alhadad")—approximately 76-years old at the time—immediately demanded that Respondent leave the house. Respondent refused.
7. Alhadad attempted to place a phone call to his daughter, but Respondent took the phone from his hands and broke it. Alhadad then attempted to call the police in order to have them remove Respondent from the premises, but Respondent forcibly removed the phone from Alhadad's grasp breaking the phone. Alhadad then attempted to call the police from a third phone, but Respondent grabbed the phone from Alhadad and in so doing Respondent broke the phone and struck Alhadad's forehead causing a laceration. The police responded to the 911 hang up calls from Alhadad and subsequently arrested Respondent after investigating the scene and interviewing Respondent and Alhadad.
8. During the arrest Respondent refused to follow the officers' instructions and instead repeatedly told them that he was a lawyer and knew a variety of high level law enforcement officials, including judges, the San Luis Obispo District Attorney and the San Luis Obispo police chief and police captain, who could have the officers stripped of their badges if they did not release him. During the arrest and in the police car, Respondent also continued to verbally abuse and berate the officers with foul language. Respondent was inebriated throughout the arrest.
9. On March 11, 2011, imposition of sentence was suspended for three years, Respondent was placed on probation for three years, sentenced to 193 days in county jail with credit for time served and good behavior and was ordered to pay fines and restitution.

#### CONCLUSION OF LAW:

10. The facts and circumstances surrounding Respondent's misdemeanor convictions for violating Penal Code, sections 368(B)(1), 591 and section 148(A)(1) do not involve moral turpitude, but do constitute other misconduct warranting discipline.

Case No. 12-C-14313-GES (Conviction Proceeding)

#### PROCEDURAL BACKGROUND IN CONVICTION PROCEEDINGS:

11. 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.
12. On November 24, 2010, the Kern County District Attorney filed a criminal complaint charging Respondent with committing four criminal offenses stemming from a November 4, 2010 arrest, including 1) a felony violation of Vehicle Code, sections 23152(a) and 23550.5 with a prior DUI conviction; 2) a felony violation of Vehicle Code, sections 23152(b) and 23550.5 with a prior DUI conviction; 3) driving with a suspended license in violation of Vehicle Code, section 14601.2(A) and 4) falsely representing or identifying himself to police officer to evade proper identification in violation of Penal Code, section 148.9(A).

13. On September 9, 2011, Respondent pled nolo contendere to count one, a felony violation of Vehicle Code, sections 23152(b)/23550.5 with a prior.
14. On September 28, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: For a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the September 9, 2011 felony conviction involve moral turpitude or other misconduct warranting discipline. The Review Department also ordered that Respondent be placed on interim suspension under Business and Professions Code, section 6102, pending final disposition of the proceedings.

FACTS:

15. At approximately 11:30 p.m. on November 4, 2010, a police officer observed Respondent driving his car 60 miles per hour in a 35 mile-per-hour zone in Maricopa, California. The officer performed a traffic stop on Respondent's vehicle and asked Respondent for his license and registration.
16. During the traffic stop, Respondent falsely identified himself as a district attorney from San Luis Obispo and told the officer he did not have his driver's license with him. The officer asked Respondent for his license number and date of birth. Respondent provided the officer with information that produced no results when the officer cross-checked Respondent's information in the Department of Motor Vehicles ("DMV") system.
17. The officer asked Respondent whether the license information was correct. Respondent confirmed that it was and further told the officer that he worked for the Federal Bureau of Investigations ("FBI"), which may have been the reason why his license number was not showing up in the system. In the course of the traffic stop, Respondent admitted to the police officer that he was lying about working as a district attorney and for the FBI.
18. The officer called a Kern County Deputy Sheriff to assist in verifying Respondent's information and subsequently determined that Respondent's license had been revoked for driving under the influence. Respondent then admitted he had a glass of wine earlier that night.
19. The officer arrested Respondent and had him transported to the hospital by ambulance due to health issues. In the ambulance, Respondent told the officer that Respondent would report the officer to the Governor's office after he was released. A blood test taken shortly after the time of the arrest revealed that Respondent had a blood alcohol level of .19% at the time.
20. On September 9, 2011, Respondent pled nolo contendere to count two, a felony violation of Vehicle Code, sections 23152(b)/23550.5, driving with a blood alcohol level of .08% or more with a prior DUI conviction. Imposition of sentence was suspended, Respondent placed on probation for three years with conditions including that Respondent serve one year in jail and complete a one-year residential treatment program at the Santa Barbara Rescue Mission, Respondent was ordered to immediately enroll in the Santa Barbara Rescue Mission program

upon release from custody, to obey all rules and regulations of the program, to complete an outpatient substance abuse counseling, to pay all fines and fees, not to indulge in the use of intoxicants, to provide two samples of blood and saliva for DNA testing, not to drive with alcohol in his blood and not to drive unless properly licensed and to obey all laws.

Respondent was also advised that his license was being suspended for four (4) years by the DMV.

#### CONCLUSION OF LAW:

21. The facts and circumstances surrounding Respondent's felony conviction for violating Vehicle Code, sections 23152(b)/23550.5 with a prior involved moral turpitude.

#### **ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.**

**Prior Record of Discipline:** Respondent has one prior record of discipline consisting of five distinct alcohol-related criminal convictions. In particular, on February 18, 2011, the Supreme Court issued an order (S188844) imposing a two-year stayed suspension, a two-year probation with conditions including a six-month actual suspension and until Respondent shows satisfactory proof of rehabilitation, fitness to practice and learning and ability in general law pursuant to standard 1.4(c)(ii). The probationary conditions also required Respondent to remain in compliance with his criminal probation in the underlying criminal matters and comply with substance conditions (e.g., sobriety and random urine/blood testing). The discipline became effective on March 20, 2011.

In brief, the five convictions were based on the following offenses.

On February 23, 2009, Respondent was convicted of three misdemeanors including two violations of Penal Code, section 647(f) [public intoxication] and Vehicle Code, section 23152(a). Respondent was arrested for public intoxication on November 5 and 11, 2008 respectively, resulting in State Bar case numbers 09-C-11055 and 09-C-11056, and was arrested on January 3, 2009 for driving a vehicle under the influence of alcohol with a blood alcohol level of .36% resulting in a non-injury auto accident with a passenger vehicle, which resulted in State Bar case number 09-C-11057.

Similarly, on February 20, 2008, Respondent was convicted of driving a vehicle under the influence of alcohol, a violation of Vehicle Code, section 23152(a), after he was arrested on January 10, 2008 for driving with a blood alcohol level of .32% and causing a non-injury auto accident collision with a utility pole. This matter resulted in State Bar case number 09-C-11058.

Lastly, in State Bar case number 10-C-05914, on July 19, 2010, Respondent was convicted of a misdemeanor for driving a vehicle with a blood alcohol content over .08% in violation of Vehicle Code, section 23152(a) stemming from a May 1, 2010 arrest for driving with a blood alcohol level of .27%.

Accordingly, pursuant to standard 1.7(a), Respondent's current discipline here should be greater than the six-month actual suspension he received from his prior discipline.

**Dishonesty and Overreaching:** Pursuant to standard 1.2(b)(iii), an attorney's misconduct that is surrounded by or followed by bad faith, dishonesty, concealment and overreaching constitutes an aggravating circumstance. Respondent's attempts to use his influence as an attorney in both cases

demonstrates overreaching and his lies to the police officer during his felony DUI arrest to evade criminal prosecution constitute dishonesty.

Notwithstanding the above, the evidence also demonstrates that Respondent was highly intoxicated at the time of his arrests in both cases and as such his judgment was impaired when he made the false statements about being a district attorney and working for the FBI and his drunken statements telling the officers he would seek to have the officers stripped of their badges. (See *In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208, 215 [“alcohol impairs judgment” and an attorney’s behavior while under the influence of alcohol, while neither condoned nor excused, differs to a significant degree from a conscious, unimpaired decision to commit misconduct].)

**Multiple Acts of Wrongdoing:** Respondent’s misconduct evidences multiple acts of wrongdoing under standard 1.2(b)(ii). Respondent was convicted of four offenses. Respondent’s commission of the above-mentioned criminal acts also constitutes violations of his prior criminal probation, an aggravating factor. (See *In re Kelley* (1990) 52 Cal.3d 487, 495.)

#### **ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.**

At the time of the misconduct, Respondent suffered extreme difficulties in his personal life, which directly contributed to his alcohol relapses. Marital problems—and the emotional problems resulting from the marital difficulties—can be a mitigating circumstance if they are extreme and directly responsible for an attorney’s misconduct. (See *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 519; *In re Naney* (1990) 51 Cal.3d 186, 197.)

Between February 2009 and November 2009, Respondent went through a residential treatment program. For six months, Respondent met regularly with his alcohol abuse rehabilitation counselor, who Respondent had developed a high level of trust in and with whom Respondent had shared personal family details. After Respondent completed the six-month program, the rehabilitation counselor continued to provide Respondent with aftercare sessions, including daily phone consultations and also began providing Respondent with marriage counseling between October 2009 and January 2010. The rehabilitation counselor suggested that Respondent’s wife become an active board member at the treatment program, which she did. In the Spring of 2010, Respondent discovered that the rehabilitation counselor and his wife had been having an inappropriate personal relationship. The discovery of that relationship was emotionally devastating for Respondent and caused Respondent to relapse at least three times in 2010, including the two instances that resulted in the current criminal conviction cases. Prior to the realization of the inappropriate personal relationship, Respondent had been sober for fourteen months by using a 12-step Alcoholic Anonymous program.

Respondent has since taken substantive steps towards rehabilitation from the underlying cause of his relapses and the alcohol-related convictions that form the basis for the instant discipline. Respondent and his wife are in the process of getting a divorce. Additionally, as a result of a one-year residential program at the Santa Barbara Rescue Mission, Respondent states he has maintained his sobriety since August 21, 2011, which is confirmed by the drug/alcohol tests he has taken in connection with his prior State Bar and criminal probation. He continues to attend multiple AA classes every week and to receive treatment from Dr. Daniel M. Gordon for his prior alcohol addiction. While Respondent was required to complete the Santa Barbara Rescue Mission program as part of his criminal probation, he is nonetheless entitled to mitigation for taking substantive steps to deal with his alcoholism to prevent future relapses

from occurring and taking control of his alcohol addiction. (See *In re Hickey* (1990) 50 Cal.3d 571, 579 [“evidence that [an] attorney has taken steps to deal with his alcohol problem is mitigating evidence that may be properly taken into account in determining the degree and nature of the discipline that should be imposed....”]; *In the Matter of Respondent I* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 260, 271 [same]; *In re Kelley, supra*, 52 Cal.3d 471, 498 [“Generally, we may regard addictive alcoholism as a mitigating factor if it is causally related to the misconduct at issue and the attorney has shown sustained rehabilitative efforts.”].)

**Pro Bono Activities:** Respondent has submitted several character letters from a widespread sample of the community attesting to his good character. He has also contributed in various civic activities showing his involvement in the community and pro bono activities such as his work on the Board of Directors for Friends of Hearst Castle (six years from 1998-2004; member and board member) and the 16th District Agricultural Association (three years from 1999-2002). (See *In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 [performance of civic service and charitable work is entitled to mitigation as evidence of good character under standard 1.2(e)(vi)]; see also *Porter v. State Bar* (1990) 52 Cal.3d 518, 529.)

**Cooperation with State Bar:** While some of the instant facts are easily provable, Respondent has cooperated with the State Bar by entering into a stipulated settlement for the matter described herein to simplify the proceedings without the need of a trial to resolve this matter. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [mitigative credit given where attorney admitted facts and culpability in order to simplify the disciplinary proceedings].)

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct provide a “process of fixing discipline” pursuant to a set of written principles to “better discharge the purposes of attorney discipline as announced by the Supreme Court.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing four criminal offenses. The most severe sanction applicable to Respondent’s misconduct is found in standard 3.2 which applies to Respondent’s conviction in case number 12-C-14313, in which the surrounding facts and circumstances involved moral turpitude.

Standard 3.2 provides that final conviction of a member of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission shall result in disbarment. Only if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a two-year actual suspension, prospective to any interim suspension imposed, irrespective of mitigating circumstances.

Under standard 1.7(a), if an attorney has a record of one prior imposition of discipline, then "the degree of discipline in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust." Here, Respondent has one prior imposition of discipline in March 2011 for a six-month actual suspension and thus the current discipline should be greater than a six-month actual suspension.

The surrounding facts and circumstances in Respondent's felony DUI arrest as described in case number 12-C-14313 involved moral turpitude as demonstrated by comparison to the facts in *In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208. There, an attorney was convicted of two separate driving under the influence offenses. During one of the arrests, Anderson tried to place his hand on the gun of a police officer, flee during arrest and physically resist arrest requiring another officer to respond. The Court determined that Anderson's conviction for the DUI convictions did not involve moral turpitude. By contrast, Respondent's instant misconduct involves moral turpitude, because Respondent lied to the police officers about being a district attorney and working for the FBI in an attempt to curry favor with the police to release him from custody in case number 12-C-14313. "[T]he commission of any act of dishonesty constitutes a violation of [Business and Professions, Code] section 6106" and an act of moral turpitude. (See *In the Matter of Farrell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 490, 497.)

While the facts and circumstances surrounding Respondent's conviction for his felony DUI involved moral turpitude, which would warrant disbarment under standard 3.2, Respondent has compelling mitigating circumstances that clearly predominate here. As described above, Respondent's misconduct was a direct result of relapses relating to emotional problems from the discovery of the inappropriate personal relationship between his wife and his rehabilitation counselor. Before that incident occurred in March 2010, Respondent had fourteen months of sobriety demonstrating a lengthy gap and no pattern between his pre-March 2010 convictions and his post-March 2010 convictions. He has since taken substantive steps towards restoring his rehabilitation and preventing such future occurrences, including successfully completing his one-year residential program at the Santa Barbara Rescue Mission, continuing his AA meetings, continuing his treatment with Dr. Gordon and is finalizing a divorce from his wife. Moreover, also to be taken into consideration are that Respondent's misconduct occurred during a short period of time—both incidents occurred within a two month period—and that he was inebriated and his judgment was clearly impaired at the time of the misconduct. For the above reasons in addition to his pro bono activities and his cooperation with the State Bar, Respondent has demonstrated that compelling mitigating circumstances clearly predominate the facts and circumstances surrounding his criminal convictions to justify a discipline less than disbarment for Respondent.

Accordingly, a two (2) year stayed suspension, a four (4) year probation with conditions including substance abuse conditions, compliance with rule 9.20 and a two (2) year actual suspension is an appropriate level of discipline for Respondent's misconduct described herein. Because insufficient



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time has passed since his November 4, 2010 felony DUI arrest to determine whether Respondent has been rehabilitated from his alcoholism and its effects on his life, Respondent should also be required to comply with standard 1.4(c)(ii).

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was January 25, 2013.

**COSTS OF DISCIPLINARY PROCEEDINGS.**




Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 25, 2013, the prosecution costs in this matter are approximately \$7,193.00. 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.

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In the Matter of: Mansour Sig Haddad	Case number(s): 11-C-10949-GES, 12-C-14313
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**SIGNATURE OF THE PARTIES**

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

<u>1/26/2013</u> Date	 Respondent's Signature	<u>Mansour Sig Haddad</u> Print Name
<u>1/28/2013</u> Date	 Respondent's Counsel Signature	<u>Susan L. Margolis</u> Print Name
<u>1/30/2013</u> Date	 Deputy Trial Counsel's Signature	<u>Anand Kumar</u> Print Name

(Do not write above this line.)

In the Matter of: Mansour Sig Haddad	Case Number(s): 11-C-10949-GES, 12-C-14313
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**ACTUAL SUSPENSION ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

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

Date 1-31-13

  
\_\_\_\_\_  
**GEORGE E. SCOTT, JUDGE PRO TEM**  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 31, 2013, I deposited a true copy of the following document(s):

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

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

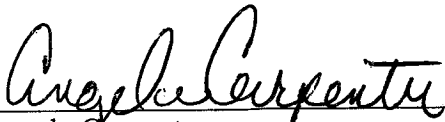
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SUSAN LYNN MARGOLIS  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

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

ANAND KUMAR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 31, 2013.

  
\_\_\_\_\_  
Angela Carpenter  
Case Administrator  
State Bar Court