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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Ross E. Viselman 1149 South Hill Street Los Angeles, California 90015 Bar # 204979	Case Number(s): 11-C-12125	For Court use only <div style="text-align: center;"> FILED  MAR 23 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
In Pro Per Respondent Jonathan Patterson 8105 Starling View Court Las Vegas, Nevada 89166 Bar # 220087	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: Jonathan Patterson Bar # 220087 A Member of the State Bar of California (Respondent)			

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 June 8, 2002.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 10 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (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 following the effective date of the Supreme Court order. (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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (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:

Although the misconduct described herein is serious, Respondent has no record of prior discipline since he was admitted to the State Bar of California on June 8, 2002.

Respondent has cooperated with the State Bar by agreeing to enter into this stipulation, and has been candid with the State Bar since the disciplinary proceedings began.

Respondent expressed remorse to the State Bar for his wrongdoing, and showed evidence that he has been attending weekly therapy sessions at Red Rock Psychological Services since June 2011, which is after the date of his arrest, but before the date his conviction was finalized.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of three (3) years.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

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

(3) **Actual Suspension:**

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

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

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

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

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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:

- (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: September 1, 2010.
- (5) **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Jonathan Patterson

CASE NUMBER(S): 11-C-12125

I. 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.

A. 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 15, 2009, Respondent was charged with two counts of open or gross lewdness, a gross misdemeanor pursuant to Nevada Revised Statutes (NRS) 201.210, in a criminal complaint filed in Justice Court, Las Vegas Township, Clark County, Nevada.
3. On June 29, 2010, Respondent entered into a plea agreement, wherein he pled guilty to one count of open or gross lewdness, a gross misdemeanor pursuant to NRS 201.210, case no. 10-C-265436 (the "**Initial Plea Agreement**"). In accordance with the Initial Plea Agreement, Respondent admitted to "willfully and unlawfully ... exposing and masturbating his penis in the direct view and presence of" two females.
4. Pursuant to the terms of the Initial Plea Agreement, adjudication of the crime and sentencing was stayed for one year for Respondent to obtain and continue sex offender therapy. In particular, the Initial Plea Agreement provided that "If Defendant stays out of trouble after one year, he may withdraw his plea and plead guilty to OPEN OR GROSS LEWDNESS – NON-SEXUAL (Gross Misdemeanor) and receive probation."
5. On August 5, 2011, Respondent withdrew his guilty plea to NRS 201.210, and pleaded to an amended information charging Respondent with conspiracy to commit assault, a gross misdemeanor pursuant to NRS 199.480, 200.471 (the "**Final Plea Agreement**"). Although the charge was different, the factual basis for the Final Plea Agreement was largely unchanged from the Initial Plea Agreement: Respondent admitted to "willfully, unlawfully and intentionally ... exposing and masturbating his penis in the direct view and presence of" two females.
6. In August 2011, the judgment of conviction was filed, and Respondent was sentenced to credit for time served in accordance with the Final Plea Agreement. There was no requirement that Respondent register as a sex offender. No appeal was filed.
7. On November 28, 2011, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department to determine whether the facts and circumstances surrounding the violation of NRS 199.480, 200.47 (conspiracy to commit assault) involved moral

turpitude or other misconduct warranting discipline, and if so, to recommend the discipline to be imposed.

B. Facts and Circumstances Underlying the Conviction

9. The facts and circumstances underlying Respondent's conviction occurred on September 3, 2009 at the intersection of South Buffalo Drive and Rochelle Avenue in Las Vegas, Nevada.

10. Respondent was standing outside at the above-referenced intersection across the street from a day care center called the "Kids Academy Day Care."

11. Two girls aged 14 years old approached Respondent as they were walking home from a park. As the two girls walked by, Respondent called to them to get their attention. Specifically, Respondent shouted: "Hey girls!"

12. When the two girls turned around in response to Respondent's shouting, Respondent had his pants down fully exposing his penis. Respondent masturbated in front of the two girls by shaking his penis at them.

13. The two girls ran across the street to the Kids Academy Day Care for help. There, they called the police and their parents.

14. The father of one of the girls arrived to retrieve the girls from the day care center. The girls identified Respondent, who, at that time, was in his car.

15. As Respondent drove away, the father followed him and tracked him down to a parking lot near the Flamingo Village Plaza just north of the location where Respondent exposed himself. The father blocked Respondent in a parking stall with his truck until the police arrived.

16. When the police arrived, they arrested Respondent.

C. Conclusions of Law

17. The facts and circumstance surrounding the above-described violation involved moral turpitude.

II. PENDING PROCEEDINGS

The disclosure date referred to, on page 2, paragraph A(7), was February 22, 2012.

III. AUTHORITIES SUPPORTING DISCIPLINE

A. Standards

Standard 1.3, Title IV, Standards for Attorney Sanctions for Professional Misconduct, provides that the primary purposes of the disciplinary system 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."

Standard 3.2 states that the final conviction of an attorney of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission, shall result in disbarment, unless the most compelling mitigating circumstances clearly predominate, in which case a two-year actual suspension should be imposed.

B. Case Law

“Case law indicates a wide range of available discipline for cases involving sexual conduct toward children depending on all of the circumstances.” *In the Matter of Daniel G. Meza*, 1 Cal. State Bar Ct. Rptr. 608 (1991).

In re Safran (1976) 18 Cal.3d 134, 135-36: Attorney was convicted of child molestation. The Supreme Court of California imposed three years stayed suspension and three years probation. Attorney was in a program of “psychiatric consultation and treatment with a highly qualified doctor who expressed the opinion that there is but a remote possibility that he will revert to his past misconduct. Attorney was candid throughout the disciplinary proceedings and expressed remorse for his acts.” Moreover, the attorney’s employer “testified that the attorney’s performance as a lawyer was of the highest professional caliber and that if [the attorney] were permitted to continue to practice law their association would remain indefinitely.” *Id.* at 135 – 36.

In re Duggan (1976) 17 Cal. 3d 416: Attorney was convicted of contributing to the delinquency of a minor, and the Supreme Court of California ordered the attorney disbarred. Attorney was “emotionally depressed and endured a marked deterioration in his physical and mental health.” *Id.* at 421. For over a year, the attorney “was hospitalized for psychiatric treatment and evaluation.” *Id.* The Supreme Court, however, noted the “seriousness” of the offense “by the fact that [the attorney] became involved with the victim of his crime while ostensibly in the course of his duties as an attorney representing a client.” *Id.* at 424. The attorney also had a record of prior discipline.

In re Lesansky (2001) 25 Cal. 4th 11, 12-13: Attorney suffered felony conviction for attempted child molestation, and Supreme Court of California ordered summary disbarment.

Based upon the facts and circumstances of misconduct and the mitigation presented, the parties submit that the discipline recommended in the matter is consistent with the Standards and the case law. Respondent has no record of prior discipline with the State Bar of California since being admitted on June 8, 2002. Respondent has expressed remorse and undergone psychological treatment. There has been no indication of any subsequent misbehavior. Respondent has been candid and cooperative with the State Bar since these disciplinary proceedings began. Respondent was charged with and convicted of a misdemeanour. He was not required to register as a sex offender. The conduct did not occur in the context of Respondent’s activities as an attorney, and was not directed at a client.

IV. COSTS OF DISCIPLINARY PROCEEDINGS


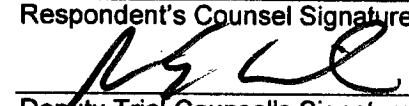
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 5, 2012, the prosecution costs in this matter are \$2,287.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: Jonathan Patterson Bar #: 220037	Case number(s): 11-C-12125
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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>3/9/12</u> Date	<u></u> Respondent's Signature	<u>Jonathan Patterson</u> Print Name
<u>3/12/12</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Ross E. Viselman</u> Print Name

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In the Matter Of JONATHAN ROBERT PATTERSON	Case Number(s): 11-C-12125
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ORDER

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

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

On page 1 of the stipulation, in the case caption, respondent Jonathan Robert Patterson's bar number is corrected and changed from "220087" to "220037."

On page 4 of the stipulation, the "X" in box D(1)(a)(i) is deleted to remove the "and until" standard 1.4(c)(ii) condition. (It is inappropriate to attach an "and until" condition to a period of *stayed* suspension.)

On page 4 of the stipulation, the "X" in box E(1) is deleted to remove the conditional standard 1.4(c)(ii) requirement. (The *conditional* standard 1.4(c)(ii) requirement in paragraph E(1) is inappropriate because it is inconsistent with the "and until" standard 1.4(c)(ii) condition that is attached to respondent's two-year suspension in paragraph D(3)(a)(i).)

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The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

3/22/12

Date



Richard A. Honn
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 March 23, 2012, 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:

JONATHON R. PATTERSON
8105 STARLING VIEW CT
LAS VEGAS, NV 89166

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

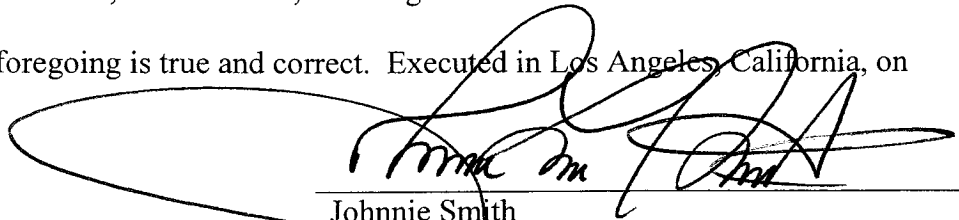
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Ross E. Viselman, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 23, 2012.



Johnnie Smith
Case Administrator
State Bar Court