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<p>State Bar Court of California Hearing Department PUBLIC MATTER STAYED SUSPENSION</p>		
<p>Counsel For The State Bar</p> <p>Susan J. Jackson Deputy Trial Counsel The State Bar of California 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1498</p> <p>Bar # 125042</p>	<p>Case Number(s): 13-C-11870-RAH</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 24pt;">FILED</p> <p style="text-align: center;">OCT 07 2013</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Terrence John Hardin 301 E Colorado Blvd #400 Pasadena, CA 91101 (626) 796-9487</p> <p>Bar # 105767</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: TERRENCE JOHN HARDIN</p> <p>Bar # 105767</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 3, 1982.
- (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 14 pages, not including the order.

(Effective January 1, 2011)

ABD
9/23/13



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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (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.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: two billing cycles 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
 - (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 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.

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- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See attachment, page 10.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances

Prior DUI and Other Alcohol-Related Arrests and Convictions. See attachment, pages 10-11.

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.

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- (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

No Prior Discipline. See attachment, page 11.

Pretrial Stipulation. See attachment, page 11.

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of one (1) year.
- 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is 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.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

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- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) 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 within one year. **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) **Other Conditions:**
- Substance Abuse Conditions - Lawyer Assistance Program ("LAP")
1. During the probation period, Respondent must continually participate in the Lawyer Assistance Program ("LAP"), and comply with all provisions and conditions of LAP, including his Participation Plan During Evaluation, his Participation Agreement/Plan, or any other Plan or Agreement or modification to any such Plan or Agreement (the "Plan") which is in effect at any time during the probation period.
 2. Within thirty (30) days of commencing participation in the Plan or any modifications thereof, Respondent must provide a complete copy of the Plan and any modifications to the Office of Probation.
 3. Withdrawal or termination from LAP, whether voluntary or involuntary, is a violation of this condition.
 4. Within ten (10) days of signing this Stipulation, Respondent must provide a complete copy of this Stipulation to LAP and the LAP Evaluation Committee, and obtain a letter from LAP acknowledging its receipt of the Stipulation.

5. Within thirty (30) days of signing this Stipulation, Respondent must provide a complete copy of this Stipulation to the Office of Probation.
6. Within thirty (30) days of the effective date of discipline, Respondent shall sign and return to the Office of Probation the written waiver/authorization provided to him by the Office of Probation authorizing LAP to provide all information and all documents in its possession regarding Respondent to the Office of Probation, the Office of the Chief Trial Counsel, and the State Bar Court, including but not limited to the terms and conditions of the Plan, any subsequent modifications to the Plan as they may occur during Respondent's period of probation, and Respondent's compliance or failure to comply with the Plan (the "LAP Waiver").
7. Any revocation of the LAP Waiver by Respondent shall constitute a violation of probation and Respondent must report such revocation in writing to the Office of Probation within five (5) days of revocation.
8. Respondent shall report in writing, and under penalty of perjury, any incident of non-compliance with the terms and conditions of the Plan to the Office of Probation within five (5) days of its occurrence.
9. Respondent shall report his compliance and/or non-compliance with the terms and conditions of the Plan in each written quarterly and final report to the Office of Probation required by this discipline, as set forth in the Additional Conditions of Probation, Section E(4) at page 4 ("Section E(4)").
10. No later than 10 days before a quarterly report or the final report is due as required by Section E(4), Respondent shall provide LAP with written authorization instructing LAP to provide its own separate written quarterly report regarding Respondent's compliance and/or non-compliance with the terms and conditions of the Plan to the Office of Probation to be received by the Office of Probation no later than each January 10, April 10, July 10, and October 10, as well as a final LAP report that will be due on the same date that Respondent's final report is due as required by Section E(4).
11. Participation in LAP shall be at Respondent's sole expense.
12. Failure to comply with these Substance Abuse Conditions is a violation of Respondent's probation.

6. On February 11, 2013, the court suspended the imposition of sentence and placed Respondent on summary probation for four years. The court ordered that Respondent, among other things, serve 30 days in Los Angeles County jail, surrender in court on February 22, 2013, attend an 18-month alcohol program, and make restitution to Kristin Davis in an amount to be determined at a restitution hearing,

7. On June 13, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

8. On December 13, 2012, an officer of the Los Angeles Police Department, working in uniform and driving a marked black and white police car at about 6:30 p.m., was driving northbound on Laurel Canyon Blvd. He noticed that the cars ahead of him had to swerve and change lanes to avoid hitting a black Mercedes that was facing northwest on the southbound Laurel left turn lane and which he later learned was being driven by Respondent. The officer also saw a tan SUV with damage to the front driver's side and believed that Respondent's car had hit it and caused the damage. Kristina Davis, the driver of the tan SUV, later confirmed that it was Respondent's car that hit her car and then left the scene of the accident without stopping to exchange information with her.

9. The officer followed Respondent who did not notice the flashing lights or the siren of the police car and did not stop his car until about 600 feet from the site of the accident. When the officer approached Respondent's car, he noticed a strong odor of alcohol. He also observed that Respondent's eyes were bloodshot and watery, he could not stand up without assistance, and his speech was slurred and slowed. Respondent refused to take a breath test at the scene of the detention and would not answer any questions. Due to his observation of Respondent, the officer concluded that Respondent was under the influence of an intoxicant and was unable to safely operate a motor vehicle. He placed Respondent under arrest and took him to the Van Nuys police station for booking. At the station, Respondent first refused to take a blood or breath test, then agreed to take the breath test, but when asked to provide a breath sample, again refused.

10. When Respondent's car was inspected, an open bottle of Vodka was found. After Respondent was booked, the officer spoke to Ms. Davis, who stated that while she was stopped waiting for the light to change, Respondent's car collided with the front of her car and then Respondent left the scene of the accident. Ms. Davis stated that in fear for her safety and the safety of her son, who had been in her car, she parked, waited for the police to arrive, and gave her statement.

11. The officer described Respondent as extremely uncooperative during the investigation and the booking process. At one point, Respondent asked the officer why he was under arrest, but claimed he did not recall a collision with another car.

12. On December 13, 2012, the date of Respondent's arrest, Respondent was still on probation in LASC Case Number OPS00330.

13. Respondent had been ordered to surrender in court on February 22, 2013, but failed to appear in court. As a result, a bench warrant was issued but then held. On April 8, 2013, Respondent surrendered directly to the Los Angeles County Jail Inmate Reception Center, instead of the court.

CONCLUSIONS OF LAW:

14. The facts and circumstances surrounding the violation(s) that led to Respondent's February 11, 2013 convictions did not involve moral turpitude but did involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent engaged in multiple acts of wrongdoing. He drove while intoxicated after his driving privilege had been suspended or revoked, which was a violation of his probation in LASC Case Number OPS00330, as well as a violation of the law. After his car collided with Ms. Davis's car, he failed to stop and exchange information with her, and instead left the scene of the accident and would not have stopped had the police not required him to stop.

Prior DUI and other Alcohol-Related Arrests and Convictions:

People v. Hardin, LASC, Case Number OPS00330 (Pasadena)

On January 4, 2010, the Pasadena Police Department received a call reporting that a man was passed out inside a black Porsche with the engine running. An officer was dispatched to the scene and approached the car. After finding Respondent unconscious in the driver's seat, the officer turned off the engine and shook Respondent to wake him up. The officer administered a field sobriety test and a breath test, determined that Respondent was driving while intoxicated and arrested him for that charge. Respondent was later charged with violations of Vehicle Code sections 23152(a) and (b). On June 30, 2010, Respondent pled nolo contendere to violating Vehicle Code section 23152(b) [driving with blood alcohol content of 0.08 percent or higher]. The court suspended the imposition of sentence and placed Respondent on summary probation for three years with conditions, including the condition that he not drive with any measurable or detectable amount of alcohol in his system.

People v. Hardin, Inyo County Superior Court, Case Number MICRM-11-51970 (Inyo)

On March 7, 2011, Respondent was arrested in Independence, California at a Carl's Jr. drive-through for violating Vehicle Code section 23152(a) and (b) and 23222(a) [open container]. On April 12, 2011, Respondent was charged with violating Penal Code section 647(f) (public intoxication) in connection with the March 7, 2011 arrest, pled nolo contendere to and was convicted of that charge, was sentenced on the plea and ordered to pay \$490 in fines and fees.

At the time of his arrest in the Inyo matter, Respondent was still on probation in the Pasadena case and by consuming alcohol while driving was in violation of that probation.

People v. Hardin, LASC, Case Number 2GN03137 (Glendale)

On August 7, 2012 at 3:45 a.m., an officer of the Glendale Police Department, while on uniformed patrol in a marked police vehicle, noticed a car driving without its tail lights on. He stopped the car and

while questioning the driver, who was Respondent, he noticed the odor of alcohol and observed that Respondent's eyes were bloodshot and watery. Respondent told the officer that he was on his way home from his Pasadena office and was looking for a gas station but the stations he passed were all closed. Based on the time of day and the direction that Respondent was driving, the officer believed Respondent was not telling the truth and continued to question Respondent, who denied that he had been drinking alcohol. The officer performed a field sobriety test, including two preliminary breath tests that indicated BAC (Blood Alcohol Concentration) results of 0.186% and 0.182%, and concluded that Respondent was impaired and under the influence of alcohol.

The officer transported Respondent to the Glendale City Jail. Respondent first agreed to a breath test, then said he wanted a blood test instead. As a result, the officer drove Respondent to the hospital. On the way there, Respondent said he needed heart medication. The officer needed help to get Respondent out of the car at the hospital since he would not cooperate. In the hospital, Respondent refused to follow the directions of the staff, yelled and cursed at them, and screamed at a nurse trying to insert an IV. Eventually Respondent's blood was drawn to evaluate his heart condition and test for alcohol and drugs. When a nurse tried to insert a catheter (which Respondent had granted permission to insert) to draw urine to evaluate Respondent's heart condition, Respondent screamed profanities, thrashed violently, and kicked and grabbed at the nurses. He threatened hospital staff and the officers who tried to restrain him with legal action because he is an attorney. Respondent was released with a citation due to his asserted medical condition so that he could take his heart medication.

On September 15, 2012, Respondent was charged with violations of Vehicle Code section 23152 (a) and (b). (On February 11, 2013, while this case was pending, Respondent was convicted in the Van Nuys case.)

On February 15, 2013, Respondent pled nolo contendere to violations of Vehicle Code section 23152(a) and (b), admitted the prior convictions in Pasadena and Van Nuys, and was placed on summary probation for 60 months with conditions, including 30 days in county jail to run concurrent with jail time in Case No. OPS00330, pay fines and fees to the court; enroll, participate in, and successfully complete a 30-month licensed multiple-offender alcohol and other drug education and counseling program; enroll in and complete the Hospital and Morgue program; complete the victim impact program of Mothers Against Drunk Driving; and operate a car only if it has an installed ignition interlock device.

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

No Prior Discipline: Although Respondent's misconduct is serious, he has no prior record of discipline in 28 years of practice prior to the first act of misconduct herein and is entitled to some mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49; *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn.13.)

Pretrial Stipulation: Respondent is entitled to mitigation for entering into this stipulated settlement without the need of a trial to resolve this matter (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

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 Silvertown* (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’s offenses do not involve moral turpitude, but do involve other misconduct warranting discipline.

Standard 3.4 provides that “[f]inal 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.” Under Part B, Standard 2.10 is most applicable to Respondent’s misconduct. Standard 2.10 states that the appropriate level of discipline for such misconduct is a “reproval 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.”

To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. (Std 1.6(b).) In mitigation, Respondent has no prior record of discipline since being admitted to practice law in 1982 and is entering into this stipulation. In aggravation, Respondent has three convictions for offenses involving alcohol and driving, and one conviction for public intoxication at a Carl’s Jr. drive-through, with the offense dates spanning the period from January 2010 to December 2012. Further, Respondent committed the second, third and fourth offense while still on probation for the first offense. With respect to the Van Nuys offense, the offense involving the instant conviction matter, Respondent collided with another car, failed to stop and exchange information with the driver of the other car, and instead left the scene of the collision and would not have stopped had the police not required him to stop. Each offense is serious because it demonstrates a disregard for the law and safety of others, although the misconduct does not involve the practice of law.

In *In re Kelley* (1990) 52 Cal.3d 487, the Supreme Court found a public reproval appropriate for an attorney who committed a DUI offense while on probation for a previous DUI. In this case, Respondent has three DUI convictions and one conviction for public intoxication, another alcohol-related offense. In

addition, the Van Nuys offense involved a collision involving property damage after which Respondent continued driving. Respondent's discipline should be greater than the discipline in Kelley, while taking into account his many years of practice without discipline. Respondent's behavior evidences an alcohol problem and the attorney discipline system does not have to wait until it begins to affect his practice of law. (*In re Kelly, supra*, 32 Cal. 3d at 495-496.)

Under these circumstances, the appropriate disposition is a one-year suspension, stayed, and three years' probation, with conditions including substance abuse conditions.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 20, 2013, the prosecution costs in this matter are \$2,392, plus approximately \$300 for litigation expenses for which billing statements have not yet been received by the State Bar. 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.

EXCLUSION FROM MCLE CREDIT

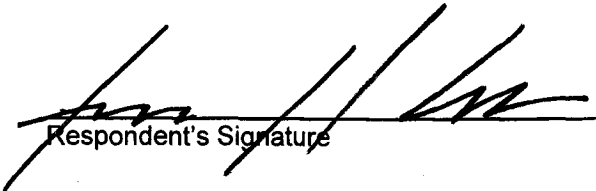
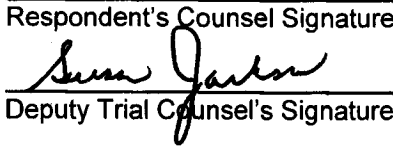
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of TERRENCE JOHN HARDIN	Case number(s): 13-C-11870-RAH
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SIGNATURE OF THE PARTIES

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

<u>09/24/2013</u> Date	 Respondent's Signature	<u>TERRENCE JOHN HARDIN</u> Print Name
<u>9/24/13</u> Date	 Respondent's Counsel Signature	<u>SUSAN J. JACKSON</u> Print Name
	<u>Susan Jackson</u> Deputy Trial Counsel's Signature	<u>SUSAN J. JACKSON</u> Print Name

(Do not write above this line.)

In the Matter of: TERRENCE JOHN HARDIN	Case Number(s): 13-C-11870-RAH
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STAYED 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.)**

10-03-2013
Date


RICHARD A. PLATEL
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 October 7, 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:

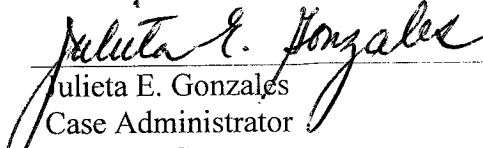
TERRENCE JOHN HARDIN
301 E COLORADO BLVD #400
PASADENA, CA 91101

TERRENCE JOHN HARDIN
301 E. COLORADO BLVD., SUITE 430
PASADENA, CA 91101

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

Susan J. Jackson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 7, 2013.



Julieta E. Gonzales
Case Administrator
State Bar Court