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**State Bar Court of California  
Hearing Department  
Los Angeles  
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p><b>Ross Viselman</b> Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-129</p> <p>Bar # 204979</p>	<p>Case Number(s): 13-C-16384 14-C-00375 14-C-04656</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.2em;"><b>FILED</b></p> <p style="text-align: center; font-size: 1.2em;">NOV 25 2014 <i>JRC</i></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>Douglas Bader</b> 161 N. McKinley Street #124 Corona, CA 92879 (951) 372-8300</p> <p>Bar # 182315</p>	<p style="font-size: 1.5em; font-weight: bold;">PUBLIC MATTER</p>	
<p>In the Matter of: <b>DOUGLAS ALAN BADER</b></p> <p>Bar # 182315</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **June 11, 1996**.
- (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 **15** 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".

(Effective January 1, 2014)

Actual Suspension

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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: **two 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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See attachment, page 12.**
- (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. **See attachment, page 12.**
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (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 12.**

**Pre-trial stipulation: See attachment, page 12.**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **two 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 1.2(c)(1) 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 **two 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 **sixty (60) days**.

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 1.2(c)(1), 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 1.2(c)(1), 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

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- (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:
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions                    | <input type="checkbox"/> Financial Conditions             |

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

- (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:

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- (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:
  
- (5)  **Other Conditions:**

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In the Matter of: Douglas Alan Bader	Case Number(s): 13-C-16384 14-C-00375 14-C-04656
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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 two (2) meetings per month of:
- Alcoholics Anonymous
  - Narcotics Anonymous
  - The Other Bar
- Other program

Any abstinence-based self-help group of respondent's choosing, including without limitation Narcotics Anonymous, LifeRing, S.M.A.R.T., S.O.S., etc. Other self-help maintenance programs are acceptable if they include a subculture to support recovery, including abstinence-based group meetings. (See O'Conner v. Calif. (C.D. Calif. 1994) 855 F. Supp. 303 [no First Amendment violation where probationer given choice between AA and secular program.] ) Respondent is encouraged, but not required, to obtain a "sponsor" during the term of participation in these meetings.

Respondent must contact the Office of Probation and obtain written approval for the program respondent has selected prior to attending the first self-help group meeting. If respondent wants to change groups, respondent must first obtain the Office of Probation's written approval prior to attending a meeting with the new self-help group.

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

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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:

Respondent may not sign as the verifier of his own attendance at the self-help program, described in section (b), above, for purposes of the reporting requirement to the Office of Probation.

Respondent is encouraged, but is not required, to participate in the Lawyers' Assistance Program, to abstain from illegal drugs, and to undergo random urinalysis testing to complement abstinence.





FACTS:

7. On March 9, 2011, respondent drove his pick-up truck without a valid license and with expired registration, in violation of Vehicle Code section 12500(A) and Vehicle Code section 4000(A)(1), respectively. Both violations are infractions.

8. At the time he was driving, respondent was driving with a suspended license, in violation of Vehicle Code section 14601.1(A), a misdemeanor.

CONCLUSIONS OF LAW:

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

Case No. 14-C-00375 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

10. 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.

11. On July 6, 2011, the Riverside County District Attorney filed a criminal complaint in the Riverside County Superior Court, case no. RIM1108796, charging respondent with violation of one count of Vehicle Code section 14601.1(A) [Driving with a Suspended License], a misdemeanor, one count of violation of Vehicle Code section 22349(A) [Driving at a Speed Greater than 65 miles per hour], an infraction, and one count of violation of Vehicle Code section 21658(A) [Unsafe Lane Change], an infraction.

12. On March 23, 2012, the court entered respondent's plea of guilty to the count of violation of Vehicle Code section 14601.1(A) [Driving with a Suspended License], a misdemeanor, and based thereon, the court found respondent guilty of that count. At the time of his guilty plea, respondent also admitted to two prior misdemeanor convictions for violating Vehicle Code section 14601.1(A) [Driving with a Suspended License]. Pursuant to a plea agreement, the court dismissed the remaining counts in the furtherance of justice.

13. On March 23, 2012, the court granted summary probation for a period of 36 months, including 20 days of electronic monitoring (in lieu of time in county jail), and ordered respondent to pay a fine in the amount of \$2,015. The court also ordered respondent not to drive unless properly licensed.

14. On May 8, 2014, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

15. On May 2, 2011, respondent drove his scooter over 65 miles per hour and made an unsafe lane change, in violation of Vehicle Code section 22349(A) and Vehicle Code section 21658(A), respectively. Both violations are infractions.

16. At the time he was driving, respondent was driving with a suspended license, in violation of Vehicle Code section 14601.1(A), a misdemeanor.

CONCLUSIONS OF LAW:

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

Case No. 13-C-16384 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

18. 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.

19. On September 6, 2013, the Riverside County District Attorney filed a criminal complaint in the Riverside County Superior Court, case no. RIM1313897, charging respondent with one count of violation of Vehicle Code section 23152(A) [Driving under the Influence], a misdemeanor, one count of section 14601.1(A) [Driving with a Suspended License], a misdemeanor, one count of violation of Health and Safety Code section 11377(A) [Possession of Methamphetamine], a misdemeanor, one count of violation of Health and Safety Code section 11364.1 [Possession of Drug Paraphernalia], a misdemeanor, and one count of Health and Safety Code section 11550(A) [Under the Influence of Methamphetamine], a misdemeanor.

20. On August 13, 2014, the court entered respondent's plea of guilty to the count of violation of Vehicle Code section 23152(A) [Driving under the Influence], a misdemeanor, and the count of violation of Health and Safety Code section 11550(A) [Under the Influence of Methamphetamine], a misdemeanor, and based thereon, the court found respondent guilty of those counts. Pursuant to a plea agreement, the court dismissed the remaining counts in the furtherance of justice.

21. On August 13, 2014, the court granted summary probation for a period of 36 months, including 90 days of electronic monitoring (in lieu of time in county jail), and ordered respondent to pay a fine in the amount of \$1,703. The court also ordered that respondent, among other things, complete a first offender driving under the influence program, submit to drug testing, and not knowingly use or possess non-prescription drugs.

22. On October 20, 2014, the conviction matter was transmitted to the Review Department for determination whether to issue an order referring the matter to the Hearing Department. As of November 3, 2014, the matter had not yet been referred to the Hearing Department, but the parties anticipate that it will be shortly.

## FACTS:

23. On July 19, 2013, respondent drove his Mercedes sedan through a red light. At the time he was driving, respondent was under the influence of methamphetamine, and thus in violation of Vehicle Code section 23152(A) [Driving under the Influence], a misdemeanor, and Health and Safety Code section 11550(A) [Under the Influence of Methamphetamine], a misdemeanor.

24. At the time he was driving, respondent was driving with a suspended license, in violation of Vehicle Code section 14601.1(A), a misdemeanor.

## CONCLUSIONS OF LAW:

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

## AGGRAVATING CIRCUMSTANCES.

**Indifference:** Respondent has demonstrated indifference toward rectification of or atonement for the consequences of his misconduct, as evidenced by his repeated violations of the California Vehicle Code, including driving with a suspended license.

**Multiple Acts of Misconduct:** Respondent has repeatedly violated the California Vehicle Code, including driving without a license (Cal. Veh. Code 12500[a]), driving with a suspended license (Cal. Veh. Code § 14601.1[a]), and driving under the influence (Cal. Veh. Code 23152). All of these convictions were misdemeanors.

## MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Although the misconduct is serious, respondent has no record of prior discipline in 17 years of practice. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr 41, 49.) This mitigation should be accorded “significant weight.” (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596.)

**Pretrial Stipulation:** Respondent was candid and cooperative with the State Bar of California and agreed to enter into this stipulation of facts without trial (*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 “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Here, respondent has a history of violating the California Vehicle Code. In the 14-C-00375 matter, he drove with a suspended license on May 2, 2011, less than a month after a criminal complaint was filed, in the 14-C-4656 matter, for the same misconduct. Most recently, on July 19, 2013, respondent drove under the influence of methamphetamine (and again, with a suspended license).

Because respondent repeatedly violated the same law (driving with a suspended license, Vehicle Code 14601.1[A]), respondent’s misconduct does warrant discipline. Respondent has “demonstrated a complete disregard for ... the law, and the safety of the public... [Such misconduct] demonstrates a lapse of character and a disrespect for the legal system that directly relate to an attorney’s fitness to practice law and serve as an officer of the court.” (*In re Kelley* (1990) 52 Cal. 3d 487, 495 [citing (*In re Alkow* (1966) 64 Cal.2d 838].)

Although the misconduct warrants discipline, none of the crimes at issue rise to the level of moral turpitude. The violations at issue were all charged as misdemeanors or infractions. No person was harmed and no property was damaged at the time he was driving.

Standard 2.12 states that suspension or reproof “is appropriate for final conviction of a misdemeanor not involving moral turpitude but involving misconduct warranting discipline.” In *Kelley*, the California Supreme Court imposed a public reproof on an attorney after two drunk driving convictions. Although the aggravating circumstances in this matter are similar to those found in *Kelley*, respondent has not presented the mitigation that was found in *Kelley*, in which “the review department found several significant mitigating factors (e.g., lack of a prior disciplinary record, extensive involvement in community service, and cooperation during disciplinary proceedings).” (*Id.*, at 498.)

Under these circumstances, greater discipline than that imposed in *Kelley* is appropriate, particularly because the misconduct has persisted for over two years. For these reasons, 60 days of actual suspension is consistent with the Standards, and appropriate to protect the public and serve the purposes of discipline. Moreover, substance abuse conditions are appropriate in light of respondent’s admission of drug use.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of October 31, 2014, the prosecution costs in this matter are \$6,779. 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**

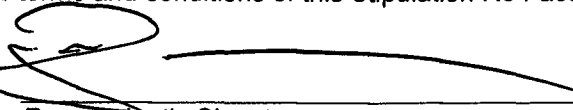
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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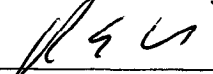
In the Matter of: Douglas Bader	Case number(s): 13-C-16384 14-C-00375 14-C-04656
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**SIGNATURE OF THE PARTIES**

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.

Nov 3, 14  \_\_\_\_\_  
Date Respondent's Signature Print Name  
Douglas Alan Bader

\_\_\_\_\_  
Date Respondent's Counsel Signature Print Name

Nov 3, 2014  \_\_\_\_\_  
Date Deputy Trial Counsel's Signature Print Name  
Ross E. Viselman

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In the Matter of: Douglas Bader	Case Number(s): 13-C-16384 14-C-00375 14-C-04656
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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.

On page 7 of the stipulation, an "X" is INSERTED in box (a) to require, inter alia, that Respondent abstain from the use of alcohol and illegal drugs.

On page 8 of the stipulation, the last paragraph/sentence on that page is deleted.

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.)**

11/25/15  
Date

  
DONALD F. MILES  
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 November 25, 2014, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION**

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

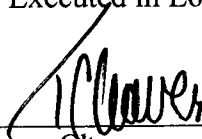
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DOUGLAS A. BADER  
LAW OFC DOUGLAS BADER  
161 N MCKINLEY ST #124  
CORONA, CA 92879**

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

**ROSS VISELMAN, Enforcement., Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 25, 2014.

  
\_\_\_\_\_  
Tammy Cleaver  
Case Administrator  
State Bar Court