



PUBLIC MATTER

FILED

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STATE BAR COURT
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LOS ANGELES

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No.: 14-V-05654-DFM
)	
MANSOUR SIG HADDAD,)	DECISION AND ORDER GRANTING
)	PETITION FOR RELIEF FROM
Member No. 172061,)	ACTUAL SUSPENSION
)	
<u>A Member of the State Bar.</u>)	

INTRODUCTION

The issue in this matter is whether Mansour Sig Haddad (Petitioner) has demonstrated, to the satisfaction of this court, his rehabilitation, present fitness to practice, and present learning and ability in the general law so that he may be relieved from his actual suspension from the practice of law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)¹

For the reasons set forth in this decision, the court finds that Petitioner has shown, by a preponderance of the evidence, that he has satisfied the requirements of standard 1.4(c)(ii). Accordingly, the court grants Petitioner's petition for relief from his actual suspension.

SIGNIFICANT PROCEDURAL HISTORY

On October 30, 2014, Petitioner, through his counsel,² filed his verified petition for relief from the actual suspension imposed on him by the Supreme Court in its order No. S209277, filed on May 22, 2013.

¹Effective, January 1, 2014, standard 1.4(c)(ii) was renumbered as standard 1.2(c)(1), without substantive modification.

² Petitioner was represented in this proceeding by Susan L. Margolis.

On November 18, 2014, an order was issued by this court, scheduling the hearing on the petition for January 14, 2015.

On December 12, 2014, the Office of the Chief Trial Counsel, State Bar of California (State Bar)³ filed its response to the petition, informing the court that it was submitting the matter on the pleadings. The response did not oppose Petitioner's request to be restored to active status. Additionally, the parties jointly requested that the scheduled hearing be vacated. Accordingly, on December 15, 2014, the court submitted the matter for decision.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jurisdiction

Petitioner was admitted to the practice of law in California on December 2, 1994, and has been a member of the State Bar of California at all times since that date.

Background and Underlying Discipline

In this proceeding, Petitioner has the burden of proving, by a preponderance of the evidence, that he is rehabilitated, is fit to practice law, and has the requisite present learning and ability in the general law pursuant to standard 1.4(c)(ii). (Rules Proc. of State Bar, former rule 5.404.) The court looks to the nature of the underlying misconduct to determine the point from which to measure a petitioner's rehabilitation and present fitness to practice. (*In the Matter of Murphy* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 571, 578.) "[I]t is appropriate to consider the nature of the misconduct, as well as the aggravating and mitigating circumstances surrounding that misconduct . . . in determining the amount and nature of rehabilitation that may be required to comply with standard 1.4(c)(ii)." (*Ibid.*) The amount of evidence of rehabilitation required to justify the termination of an attorney's actual suspension varies according to the seriousness of the misconduct underlying the suspension. (*In the Matter of Murphy, supra,*

³ The State Bar was represented by Deputy Trial Counsel Elizabeth Stine and Ross Viselman.

3 Cal. State Bar Ct. Rptr. at p. 581.)

**First Disciplinary Matter - (State Bar Court case Nos. 08-C-13623;
09-C-11053; 09-C-11055; 09-C-11056; 09-C-11057; 09-O-11058; 10-C-05914)**

In February 2011, the Supreme Court filed an order (S188844), imposing on Petitioner a two-year suspension, stayed, and placing him on probation for two years with conditions, including actual suspension for six months and until he provides proof to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law. That discipline resulted from several alcohol-related convictions:

(1) On February 20, 2008, Petitioner was convicted of driving while under the influence of alcohol with a blood alcohol level of .32% and causing a non-injury collision with a utility pole, resulting in a conviction for violating Vehicle Code section 23152(a). Petitioner was sentenced to three years' probation, eight days in jail, a nine-month first alcohol offender program, a \$1,755 fine and various fees. Later, after admitting a probation violation of failing to observe all laws, his probation was modified and reinstated on September 9, 2009. He was also sentenced to 62 days in county jail, with credit for time served.

(2) On February 23, 2009, Petitioner was convicted of three misdemeanors. On November 5 and again on November 11, 2008, he was arrested for public intoxication, resulting in two convictions for violations of Penal Code section 647(f). In addition, on January 3, 2009, he was arrested for driving under the influence of alcohol with a blood alcohol level of .36% and causing a non-injury collision with a passenger vehicle, resulting in a conviction for violating Vehicle Code section 23152(a). Petitioner was sentenced to 10 days in jail (with credit for time served).

(3) On July 19, 2010, Petitioner was convicted of a misdemeanor for driving under the influence with a blood alcohol content over .08% in violation of Vehicle Code section 23152(a). When he was arrested on May 10, 2010, his blood alcohol level was .27%. Petitioner was

sentenced to 180 days in custody; a five-year suspended sentence with a stay so he could apply for home detention; a \$2,190 fine; completion of a second offender program; revocation of his driving privilege for three years. He was designated a habitual traffic offender.

In the disciplinary proceeding, the parties stipulated that Petitioner had engaged in multiple acts of misconduct, an aggravating factor. In mitigation, the parties stipulated that Petitioner had no prior discipline and had engaged in pro bono work.

Second Disciplinary Matter - (State Bar Court case Nos. 11-C-10949; 12-C-14313)

On May 22, 2013 the Supreme Court issued an order suspending Petitioner from the practice of law for two years, staying execution of that suspension, and placing him on probation for four years subject to conditions including that he be suspended for a minimum of the first two years of probation and until he provides proof to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law. He was afforded credit toward the period of actual suspension from October 26, 2012 for the period in which he was on interim suspension. Accordingly, the period of actual suspension terminated on October 26, 2014.

Petitioner had two alcohol-related criminal convictions which formed the basis of discipline.

The first of the two convictions arose from an incident between Petitioner and his father when Petitioner was inebriated. Petitioner's parents had been allowing him to reside at their home temporarily. On September 24, 2010, around midnight, Petitioner arrived there in a highly intoxicated state. When his father immediately demanded that he leave the house, Petitioner refused. When his father's then attempted to telephone his daughter and the police, Petitioner grabbed the telephones involved, breaking them and lacerating his father's forehead. He was later verbally abusive to the arresting officers. After subsequently pleading no contest, Petitioner was convicted on February 8, 2011, of misdemeanor violations of Penal Code sections 368(B)(1)

(elder abuse), 591 (cutting a utility line); and 148(A)(1) (resisting arrest), for which he was sentenced to three years' probation, 193 days in county jail (with credit for time served and good behavior), fines, and restitution.

The second conviction resulted from Petitioner driving while intoxicated. On November 4, 2010, Petitioner was pulled over by the police after being observed driving his car 60 miles per hour in a 35 miles-per-hour zone. On being questioned by the arresting officer, Petitioner initially misidentified himself to the officer, falsely indicating that he was a district attorney in another county and that he worked for the Federal Bureau of Investigations. He subsequently admitted to the arresting officer that he was lying about his identity. Once Petitioner was identified correctly, it was discovered that his license had been revoked for a prior conviction of driving under the influence. A blood alcohol level test performed shortly after the arrest indicated a level of .19%. After pleading no contest, Petitioner was convicted on September 9, 2011, of a felony violation of Vehicle Code sections 23152(b)/23550.5 (driving with a blood alcohol level of .08% or more with a prior DUI conviction.)

In aggravation in the resulting disciplinary proceeding, the parties stipulated that Petitioner engaged in multiple acts of misconduct and was dishonest. In mitigation, Petitioner suffered from extreme emotional difficulties, had good character, and was candid and cooperative.

Petitioner's Rehabilitation and Present Fitness to Practice Law

In determining whether a petitioner's evidence sufficiently establishes his rehabilitation, the court first considers the prior misconduct, and then examines the petitioner's actions since the imposition of discipline to determine whether his actions, in light of the prior misconduct, sufficiently demonstrate rehabilitation. (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at p. 581.) At a minimum, the petitioner must show that (1) he has strictly complied with

the terms of probation imposed on him under the Supreme Court's disciplinary order; (2) he has engaged in exemplary conduct since being disciplined; and (3) "the conduct evidencing rehabilitation is such that the court may make a determination that the conduct leading to the discipline. . . is not likely to be repeated." (*Ibid.*)

Petitioner's Compliance with Probation Conditions

Although Petitioner's probation will not terminate until June 2017, he has complied with the conditions of his probation. He has timely submitted all required probation reports to the Office of Probation and has paid his first installment of costs. He is complying with his monthly alcohol screenings; attending four recovery meetings per month;⁴ and following a treatment plan for sustained sobriety with a physician certified in addiction medicine. On June 14, 2012, Petitioner attended and successfully completed State Bar Ethics School. Finally, he has complied with the terms of his criminal probation

In addition to complying with the terms of his probation, he timely complied with his Rule 9.20 obligations, and he passed the August 2012 Multistate Professional Responsibility Exam (MPRE) with a scaled score of 118.

Petitioner's Conduct Since Being Disciplined

Petitioner has taken full responsibility for the misconduct leading to his discipline. His criminal convictions and resulting disciplinary matters were all caused by his alcoholism. Petitioner deeply regrets and is ashamed of his actions and understands that his descent into alcoholism caused him to engage in behavior causing great damage to his family and himself. Since August 21, 2011, Petitioner has committed himself to a life of sobriety and service to others. He has demonstrated this commitment by the way he has been living his daily life for over three years. This commitment is also attested to in this proceeding by others, including his

⁴ He typically attends five meetings per week.

treating physician/addiction specialist, his father, other lawyers, various other family members, and friends.

On August 26, 2011, Petitioner entered a nationally-reputable, intensive, rigorous, one-year residential alcohol treatment program at the Santa Barbara Rescue Mission. Petitioner embraced the program and knew from the beginning that if he was willing to follow the program's direction, he would have a chance at a life again, including reuniting with his daughters and practicing law. Hope and desperation propelled him to who apply himself without reservation to what he was asked to do by the men who ran the program and who themselves had navigated similar terrain.

After completing the treatment program, Petitioner moved back to San Luis Obispo and began working as a commercial property manager. He also immersed himself in AA, participating regularly at meetings since then, regularly attending church services and activities, working with his AA sponsor, sponsoring other men in AA, sharing his personal recovery experience as a main speaker at several AA meetings and holding AA commitments.

Petitioner has made amends to friends, family and others he harmed by his past alcoholic behavior. He has worked on rebuilding his relationship with his two daughters, now ages 12 and 15, as a sober father, visiting them routinely four days a week and attending nearly all of their sporting events and school functions. He helps them with their homework and takes them shopping. They cook together and occasionally go to the movies and various sporting or community events or engaging in outdoor activities. Petitioner has volunteered at their school and has coached his younger daughter's basketball team.

Petitioner and his father have talked extensively about the events that occurred on September 24, 2010. He has made amends to his father by apologizing to him, embracing a sober lifestyle, and being of service to him. Petitioner has expressed to his father his profound

remorse for all of his alcoholic conduct and especially for his having to helplessly watch his son descend into alcoholism. Petitioner now visits his father often and helps him, an avid gardener, with his various projects. They talk almost daily by phone and see each other several times a week. Petitioner also helps his father care for his mother, who suffers from Alzheimer's disease and lives in an assisted living home.

In addition to the rehabilitation program and AA, Petitioner sought counseling from a therapist and also received treatment from two doctors certified in addiction medicine between 2010 and 2013. Due to the progress he has made in recovery, Petitioner now sees only K. Dane Howalt, M.D., a board-certified addiction specialist, once every three months as required by the disciplinary probation conditions imposed by the Supreme Court. His treating physicians have advised him that he has achieved sustained remission from alcohol dependence.

Dr. Howalt is a Certified Addiction Medicine Specialist and Diplomate of the American Board of Addiction Medicine. He has practice medicine for 31 years and, for over 20 years, has treated thousands of patients afflicted with chemical dependency. He is intimately familiar with all stages of alcoholism. Dr. Howalt has treated Petitioner quarterly since September 2013 after his then-treating physician/addiction specialist, Dr. Gordon, closed his practice and moved to Sacramento. He has reviewed Dr. Gordon's file and Petitioner's most recent disciplinary stipulation. He has examined Petitioner and discussed extensively his alcoholism, rehabilitation and recovery during their appointments. Dr. Howalt feels confident that Petitioner will do well. He shows every sign of having attained solid remission of his alcoholism.

As previously noted, numerous other declarants, including several attorneys, provided evidence regarding Petitioner's transformation and commitment to sobriety.

Petitioner's Present Learning and Ability in the Law

As previously noted, Petitioner has passed the State Bar Ethics School and the Multistate Professional Responsibility Examination. In addition, between June 2012 and 2014, Petitioner completed over 90 hours of participatory and self-study continuing legal education in the areas of ethics, substance abuse, elimination of bias, and the general law, including courses in civil litigation, business law, construction law, estate planning, trusts, immigration, First Amendment issues, contracts, and health and education law.

Petitioner has also worked with attorney William McLennan, his brother-in-law. In June and July 2014, Petitioner spent more than 20 hours researching, drafting and assembling legal documents under McLennan's supervision. They also routinely discuss trending legal issues and case law in various areas of the law. McLennan found his research and analysis to be thorough, thoughtful and well-taken. He believes that Petitioner has the necessary focus and knowledge to resume the practice of law.

In addition, Petitioner has spent more than 80 hours researching, drafting and preparing pleadings, discovery, and motions for Petitioner's own dissolution of marriage case, under the supervision of the attorney who is handling the case.

Petitioner also regularly reads the San Luis Obispo Superior Court's tentative rulings in civil law and motion matters to stay current on the issues that court addresses and the rationale used to formulate the rulings. He reviews these rulings once a month on the court's website.

Finally, Petitioner has been studying practice guides on civil procedure before trial, civil trials, evidence, insurance litigation, and family law.

CONCLUSION AND ORDER

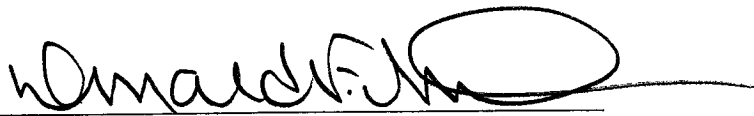
The court finds that Petitioner has demonstrated, to the satisfaction of this court, his rehabilitation, present fitness to practice, and present learning and ability in the general law.

Accordingly, the petition for relief from actual suspension from the practice of law pursuant to standard 1.4(c)(ii) is hereby **GRANTED**. Respondent will be entitled to resume the practice of law in this state when all the following conditions have been satisfied:

- (1.) The actual suspension imposed by the California Supreme Court has expired.
- (2.) This order has become final, which includes the expiration of the time for seeking reconsideration and review (Rules Proc. of State Bar, rules 5.115, 5.150, 5.409, and 5.410);
- (3.) Petitioner has paid all applicable State Bar fees and costs (Bus. & Prof. Code, §§ 6086.10 and 6140.7); and
- (4.) Petitioner has fully complied with any other requirements for his return to active membership status and is otherwise entitled to practice law.

IT IS SO ORDERED.

Dated: December 26, 2014


DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar, rule 5.400(B); Code Civ. Proc., §§ 1011, 1013]

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. Following standard court practices, in the City and County of Los Angeles, I served a true copy of the following document(s):

**DECISION AND ORDER GRANTING PETITION FOR RELIEF FROM ACTUAL
SUSPENSION**

as follows:

- By **OVERNIGHT MAIL** by enclosing the documents in a sealed envelope or package designated by an overnight delivery carrier and placing the envelope or package for collection and delivery with delivery fees paid or provided for, addressed as follows:

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

- By **PERSONAL MAIL** 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:

**ELIZABETH G. STINE
STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL
COUNSEL
845 S. FIGUEROA STREET
LOS ANGELES, CA 90017-2515**

I hereby certify that the foregoing is true and correct. Executed at Los Angeles, California, on December 26, 2014.



Paul Barona
Case Administrator
State Bar Court